

RESUME OF MINUTES

Escambia County Restore Act Advisory Committee Meeting
March 22, 2013 – 2:30 p.m.
Escambia County Central Office Complex
3363 West Park Place
Pensacola, FL 32505

Members Present:

Alan McMillan	District 1/Commissioner Wilson Robertson
Al Coby	District 3/Commissioner Lumon May
Gregg Beck	District 5/Commissioner Steven Barry
Christian Wagley	Environmental Advocacy Group
Bentina Terry	City of Pensacola
Harlan Butler	At-large Citizen
Michelle Inere	At-large Citizen

Absent:

Don McMahon	District 2/Commissioner Gene Valentino
Tammy Bohannon	District 4/Commissioner Grover Robinson

1. March 22, 2013 call to order 2:30 p.m.
2. Meeting was advertised in the Pensacola News Journal on March 17, 2013.
3. Attendance (see above). Quorum was present.
4. Welcome

Commissioner Gene Valentino
Commissioner Grover Robinson (Flow of Oil Spill Funds in Florida – Attachment #1)
Interim County Administrator George Touart
Commissioner Lumon May
Keith Wilkins, Director, Community & Environment Department
5. Introduction to the Sunshine Law, Ethics and Public Records – Ryan Ross, Assistant County Attorney (Attachments #2 and #3).
6. Introduction to the RESTORE Act and Process – Bill Williams, Southern Consulting Group, and Keith Wilkins (Attachment #4).
7. Committee Charter, By-Laws and Schedule – Keith Wilkins (Attachment #5 and #6).
8. Administrative Items
 - NRDA project list was requested.
 - County e-mail addresses distributed.
 - Documents will be linked to the County website.
 - Committee Contact comment form will be available for the public to submit projects.
 - Resolution Number R2012-150 and R2013-5 (Attachment #7).
 - Vote on a Chair and Vice Chair.

8. Administrative Items (continued)

Motion was made by Michelle Inere to elect Bentina Terry as Chairperson. Al Coby seconded. Motion passed unanimously.

Motion was made by Harlan Butler to elect Alan McMillan as Vice Chairman. Christian Wagley seconded. Motion passed unanimously.

9. Public Comment (limit 3 minutes each)

Dr. Gloria Horning, 33 W. Moreno Street, Apartment A, Pensacola
James Oleksak, 302 N. Barcelona Street, Pensacola
Tim Haag, ECUA, Pensacola
Barbara Mayall, 3011 Windermere, Pensacola

10. New Business

The next meeting is scheduled on April 8, 3 p.m. It was agreed that the committee will meet every two weeks with a variety of afternoon and evening meetings.

11. Meeting adjourned at 4:35 p.m.

Flow of Oil Spill Funds in Florida

Resolution of Criminal, Civil, Administrative & Natural Resource Claims

Attachment #1

Contact: TJ Marshall
 Director, Constituent Outreach
 tmarshall@oceanconservancy.org
 727-369-6616



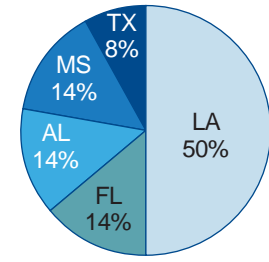
Ocean Conservancy

Criminal Penalties
 \$4,000,000,000

Awaiting official sentencing.

Recovery:
 \$2,744,000,000
 National Fish & Wildlife Foundation
 \$2,394,000,000
 National Academy of Sciences
 \$350,000,000

Fines:
 \$1,256,000,000
 Oil Spill Liability Trust Fund
 \$1,150,000,000
 North American Wetlands Conservation Fund
 \$100,000,000
 Treasury
 \$6,000,000



NFWF will consult with the states on project selection. Projects will be split among states based on set percentages.

Clean Water Act Civil & Administrative Penalties*
 \$?

20% - Oil Spill Liability Trust Fund

80% - RESTORE Act - Gulf Coast Restoration Trust Fund

Distribution of these funds are shared among the 5 Gulf States

Allocation	Percentage
35% Equal State Allocation	35%
30% Gulf Coast Ecosystem Restoration Council Allocation	30%
30% Oil Spill Restoration Impact Allocation	30%
2.5% Gulf Coast Ecosystem Science, Observation, Monitoring & Technology Program	2.5%
2.5% Centers of Excellence	2.5%

Natural Resource Damage Assessment

Injury assessment, restoration planning & implementation.

NRDA Trustee Council

Trustees:
 Dept. of Commerce: NOAA
 Dept. of Interior: US FWS
 Dept. of Defense
 Environmental Protection Agency
 Dept. of Agriculture
 State Trustees

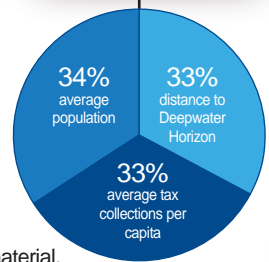
Lead Agency
 Department of Environmental Protection
 Herschel Vineyard & Mimi Drew
 Florida Fish & Wildlife Conservation Commission
 Nick Wiley & Gil McRae

Designated agencies as State Trustees on NRDA Trustee council.

Governor Rick Scott

Non-Disproportionately Affected Counties
 25% of FL's Share

Weighted formula to determine how much money each non-disproportionately impacted county receives.



8 Disproportionately Affected Counties
 75% of FL's Share

Disproportionately Impacted Counties:

25.334% - Escambia
10.497% - Santa Rosa
15.226% - Okaloosa
13.712% - Walton
15.101% - Bay
6.743% - Gulf
8.441% - Franklin
4.943% - Wakulla

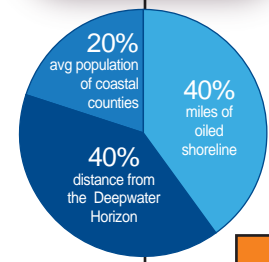
Determined distribution formula.

Subcommittee: Committee of 8 Disproportionately Affected Counties
 Chair: Commissioner Yeager (Gulf)
 Vice Chair: Commissioner Robinson (Escambia)

State plans must be approved by council.

Members:
 CHAIR: Department of Commerce
 Dr. Rebecca Blank
 Department of Agriculture
 Thomas J. Vilsack/Harris Sherman
 Department of the Interior
 Kenneth L. Salazar/Rachel Jacobson
 Department of the Army
 John McHugh/Jo Ellen Darcy
 Department of Homeland Security
 Janet Napolitano/VADM John Currier
 Environmental Protection Agency
 Lisa P. Jackson/Ken Kopicis
 Governors' Representatives
 AL - David Perry
 FL - Mimi Drew
 LA - Garret Graves
 MS - Trudy Fisher
 TX - Toby Baker

Weighted formula to determine how much money each state receives.



NOAA and US Fish & Wildlife Service

Shall consult.

Gulf States Marine Fisheries Commission

Gulf of Mexico Fishery Management Council

All 5 states represented in each of these groups.

The funds will be split up evenly among the 5 Gulf States to establish a center in each.

FL's center will be a consortium of public & private research institutions, including DEP & FWC

Florida Consortium
 Doug Darling
 FL Association of Counties facilitated a group of 23 counties to develop an interlocal agreement to oversee this fund.

Key

- Funds
- Actions/Decisions
- FL Only Influence
- Gulf States/Federal Influence

*There may be other civil and administrative penalties. The CWA penalties are the focus of this chart.
 **This is document version C, as of 12/18/12. This is time sensitive material.
 To ensure you have the most recent version, please visit <http://www.oceanconservancy.org/places/gulf-of-mexico>

Attachment #2

Florida's Government in the Sunshine Law

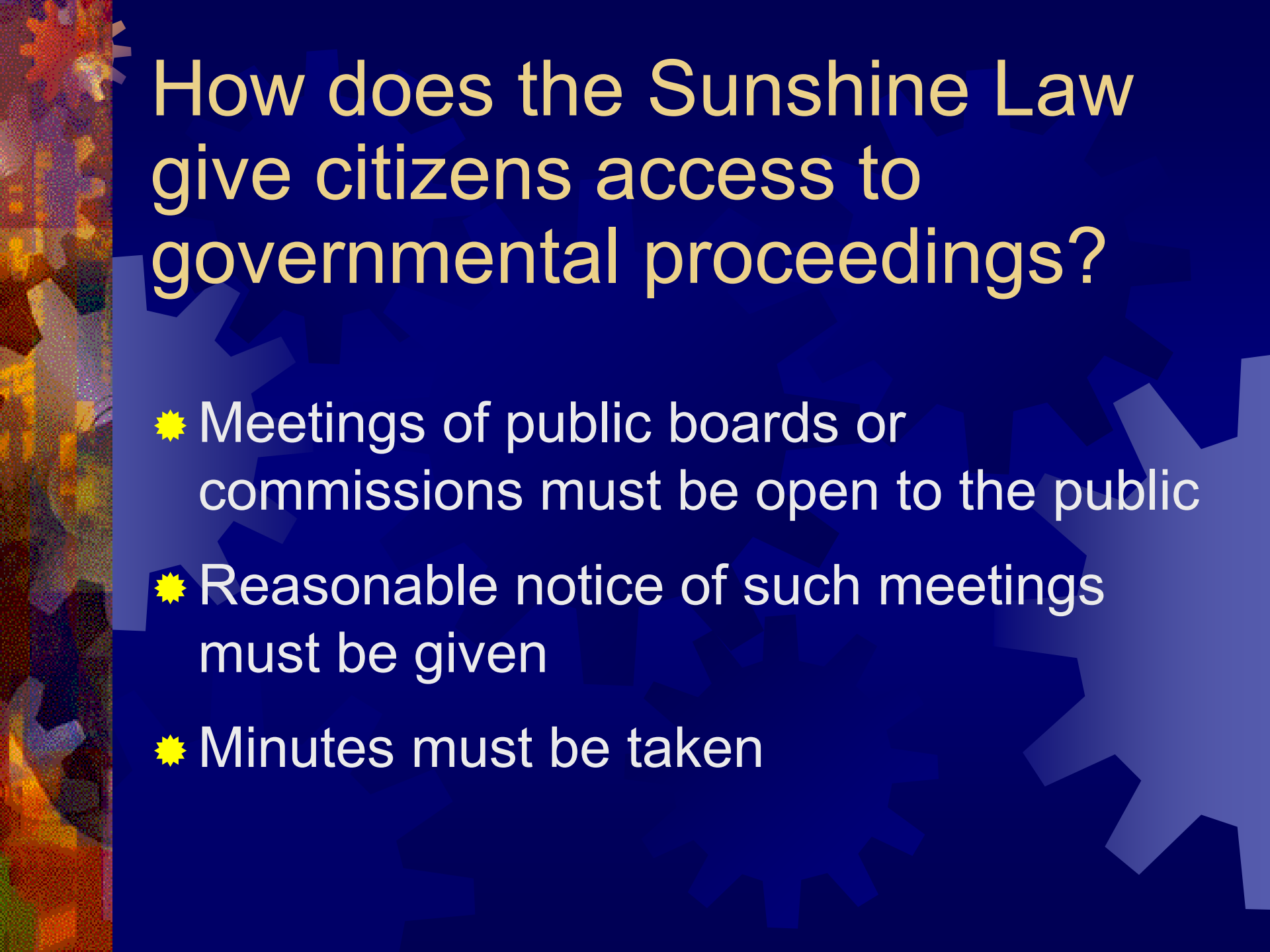
Article I, section 24, Florida Constitution and
Section 286.011, Florida Statutes



The background is a dark blue field filled with various shades of blue gears of different sizes, some overlapping. On the left side, there is a vertical strip with a colorful, abstract pattern of orange, yellow, and brown, resembling a sunburst or a textured surface. The text is centered in the upper half of the slide.

What is the purpose of Florida's Sunshine Law?

- ✦ To give citizens a right of access to governmental proceedings

The background features a dark blue field with several large, semi-transparent gears of various shades of blue. On the left side, there is a vertical strip with a colorful, abstract pattern of orange, yellow, and brown, resembling a sunburst or a textured surface. The main text is in a bright yellow color, while the list items are in white.

How does the Sunshine Law give citizens access to governmental proceedings?

- ☀ Meetings of public boards or commissions must be open to the public
- ☀ Reasonable notice of such meetings must be given
- ☀ Minutes must be taken



Why is public access to governmental proceedings so important?

- ✦ Citizens have the right to know the entire decision-making process
- ✦ Every expressed thought or affirmative act of a public official as it relates to official duties is a matter of public concern
- ✦ In 1992, the Florida Constitution was amended to include the open meetings requirement

What is “a meeting subject to the Sunshine Law?”

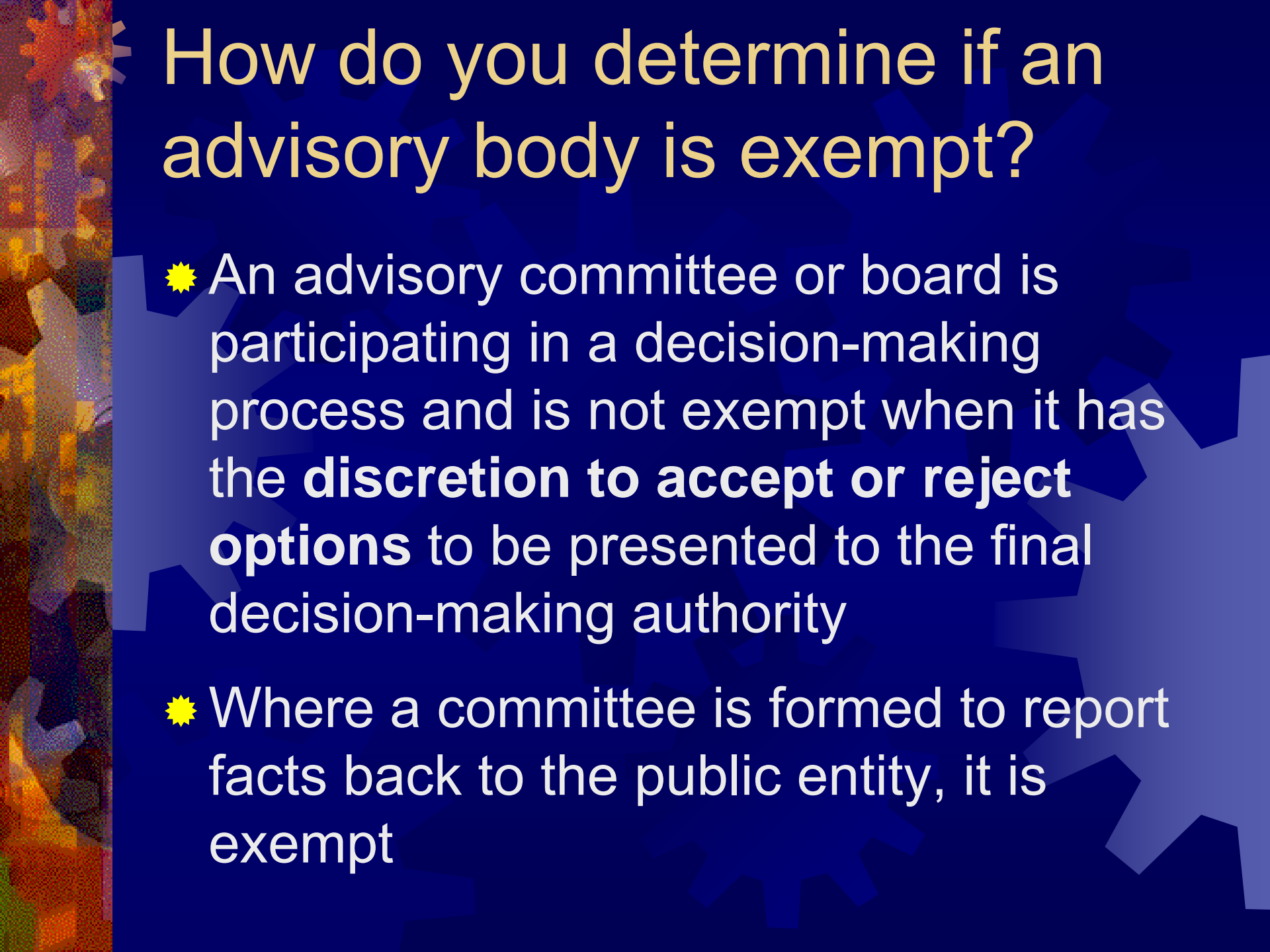
- ★ **Any gathering or interaction, formal or casual, of two or more members of the same public board, commission, or committee to discuss a matter on which foreseeable action will be taken by such public board, commission, or committee**

What entities are subject to the Sunshine Law?

- ✦ Any board, commission, agency, authority, or advisory committee of the County
 - ✦ This applies to both elected officials and appointed members
 - ✦ This applies to both permanent and temporary or ad hoc committees such as a task force

Are there any exemptions?

- ✦ Yes—exemptions are created by general law or caselaw
- ✦ An advisory body established for *fact finding or information gathering which has no decision-making authority* is not subject to the Sunshine Law



How do you determine if an advisory body is exempt?

- ★ An advisory committee or board is participating in a decision-making process and is not exempt when it has the **discretion to accept or reject options** to be presented to the final decision-making authority
- ★ Where a committee is formed to report facts back to the public entity, it is exempt

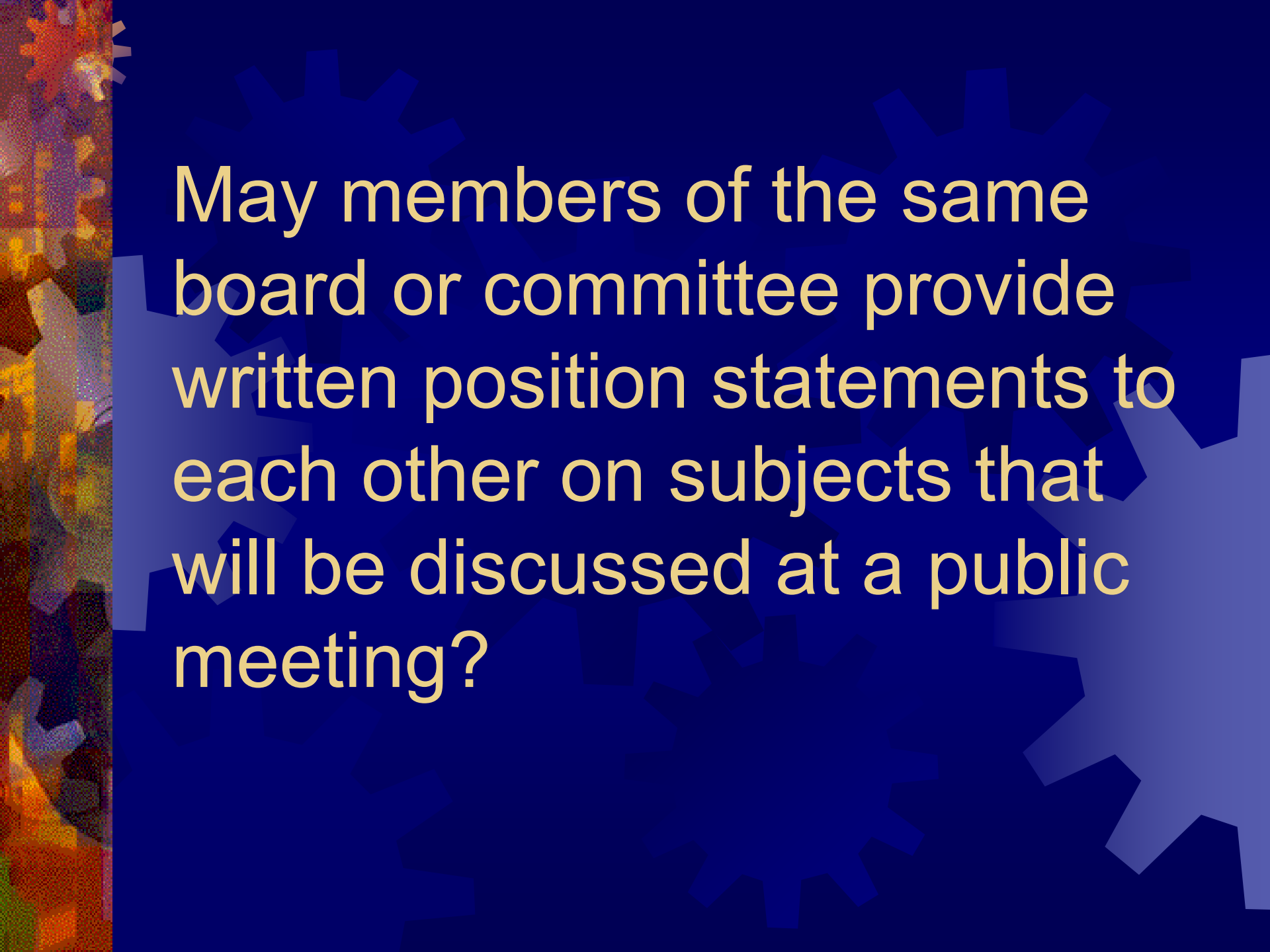
Does the Sunshine Law apply to staff?

- ✦ Not unless the staff member has been delegated decision-making functions outside his or her normal staff functions
- ✦ The focus is on the *nature of the act performed*: a staff committee making non-binding recommendations or assisting in evaluating proposals **would** be subject; a staff committee relaying facts **would not** be subject



★ The law is not violated when:

- ★ a government executive uses staff for a fact-finding and advisory function in fulfilling his or her *executive* duties
- ★ informal meetings are held between a county commissioner and staff,
 - ★ where the discussions are merely informational
 - ★ where no one has the authority to make a final decision during that meeting, and
 - ★ no formal action is or could be taken


The background is a dark blue field with several large, semi-transparent gears of varying shades of blue. On the left side, there is a vertical strip with a colorful, abstract, and textured appearance, possibly representing a gear mechanism or a natural element like a tree trunk. The text is centered in the blue area.

May members of the same board or committee provide written position statements to each other on subjects that will be discussed at a public meeting?



☀ Yes, so long as

- ☀ There is no interaction related to the report among the members
 - ☀ The report is not used as a substitute for action at a public meeting, and
 - ☀ The written report is maintained by the records custodian as a public record
- ☀ The circulation of a written report which does not result in an exchange of comments or responses on subjects requiring board action is not a *meeting* subject to the Sunshine Law

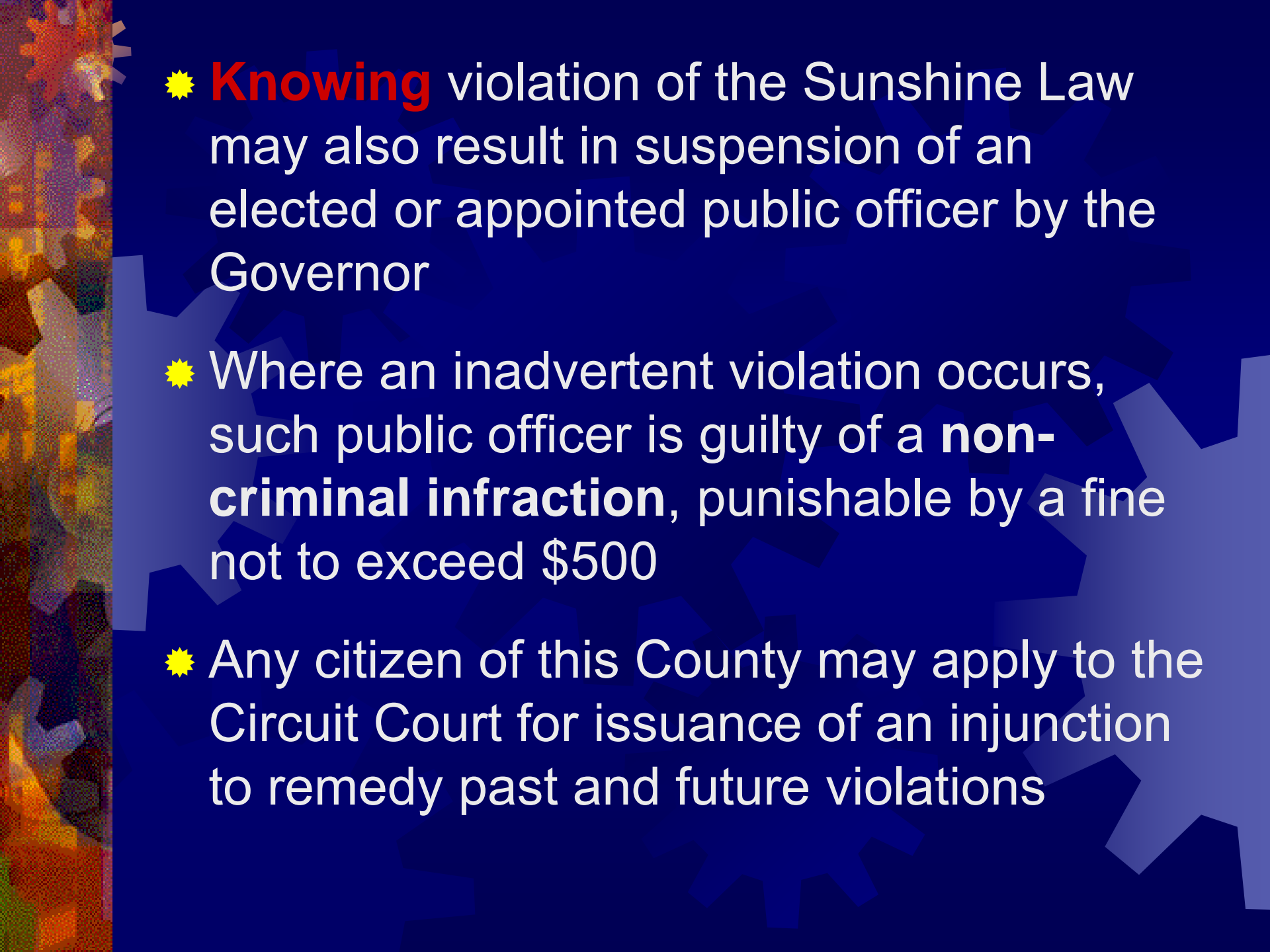
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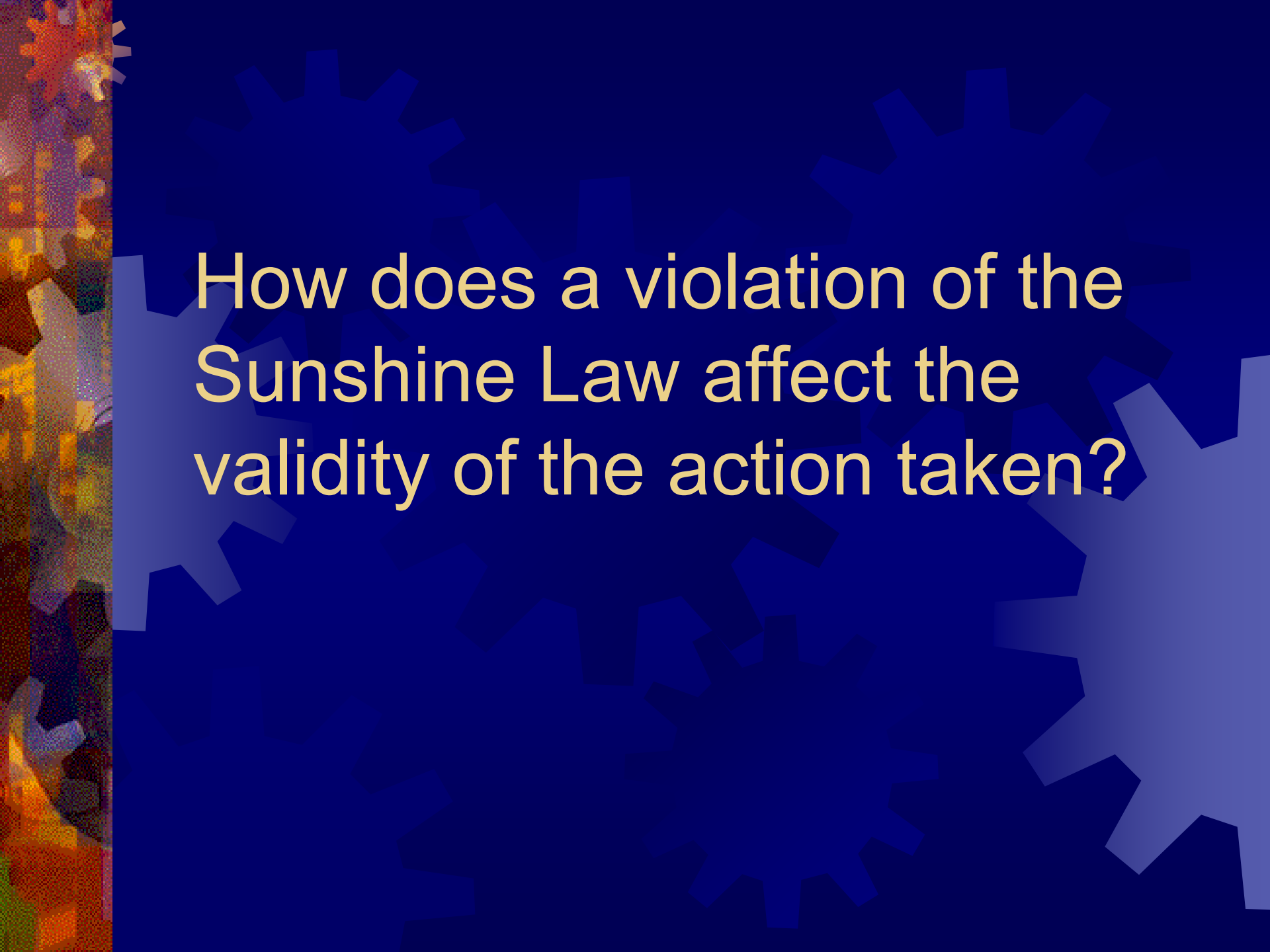
Are telephone conversations and e-mails subject to the Sunshine Law?

- ★ Yes! Members of the *same board or committee* should not call or e-mail each other on matters which may *foreseeably* come before that board or committee

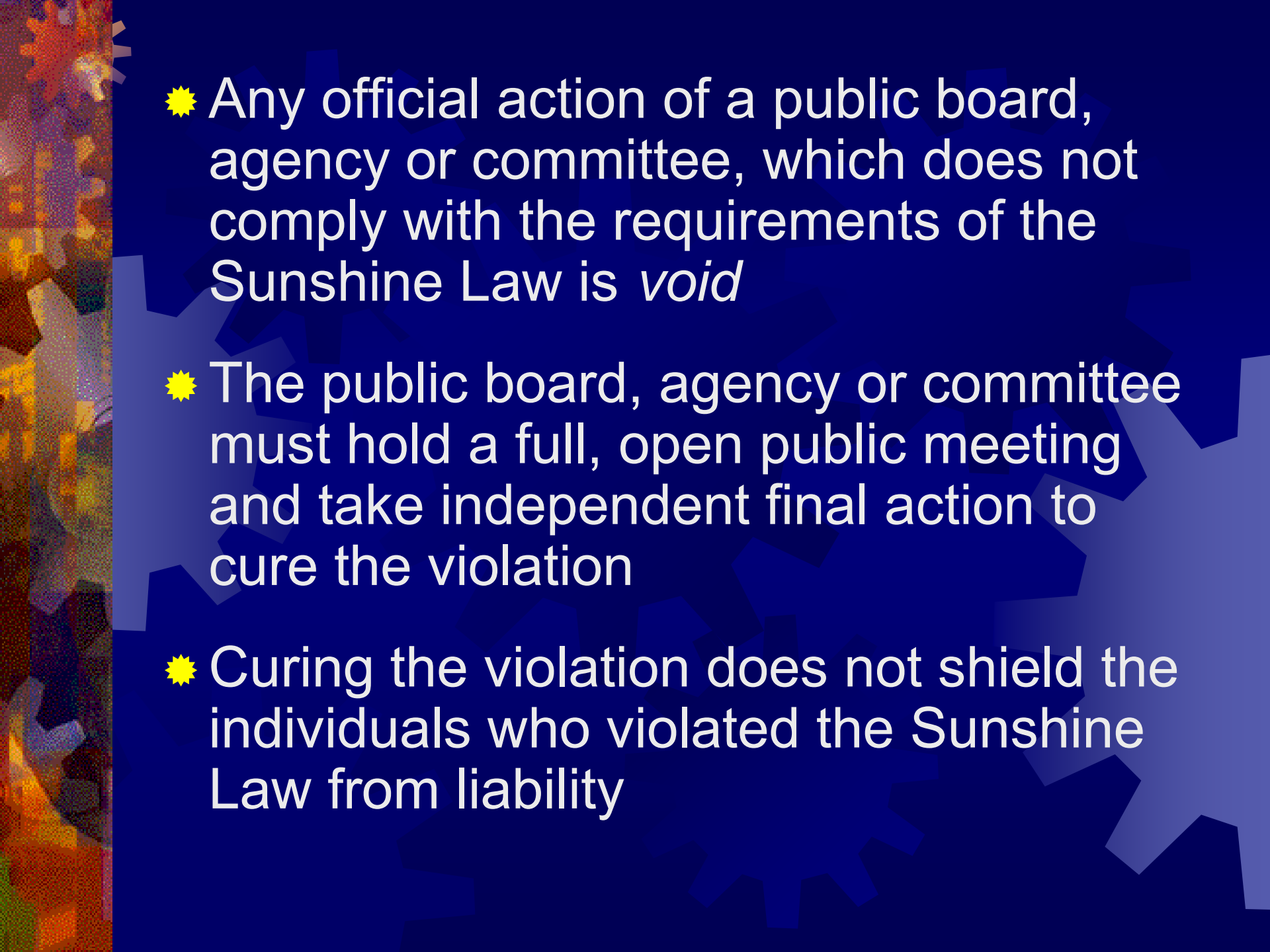
What are the consequences for noncompliance?

- ✦ Any member of a board, commission, committee or agency of the county who **knowingly** violates the Sunshine Law is guilty of a misdemeanor of the second degree
- ✦ Persons convicted of this may be sentenced to jail for up to 60 days and/or fined up to \$500

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- The background is a dark blue field with several large, semi-transparent gears of various shades of blue and grey. On the left side, there is a vertical strip with a colorful, abstract, and textured pattern in shades of orange, yellow, and brown. A large, light blue star is positioned in the upper left quadrant, partially overlapping the gear patterns.
- ★ **Knowing** violation of the Sunshine Law may also result in suspension of an elected or appointed public officer by the Governor
 - ★ Where an inadvertent violation occurs, such public officer is guilty of a **non-criminal infraction**, punishable by a fine not to exceed \$500
 - ★ Any citizen of this County may apply to the Circuit Court for issuance of an injunction to remedy past and future violations

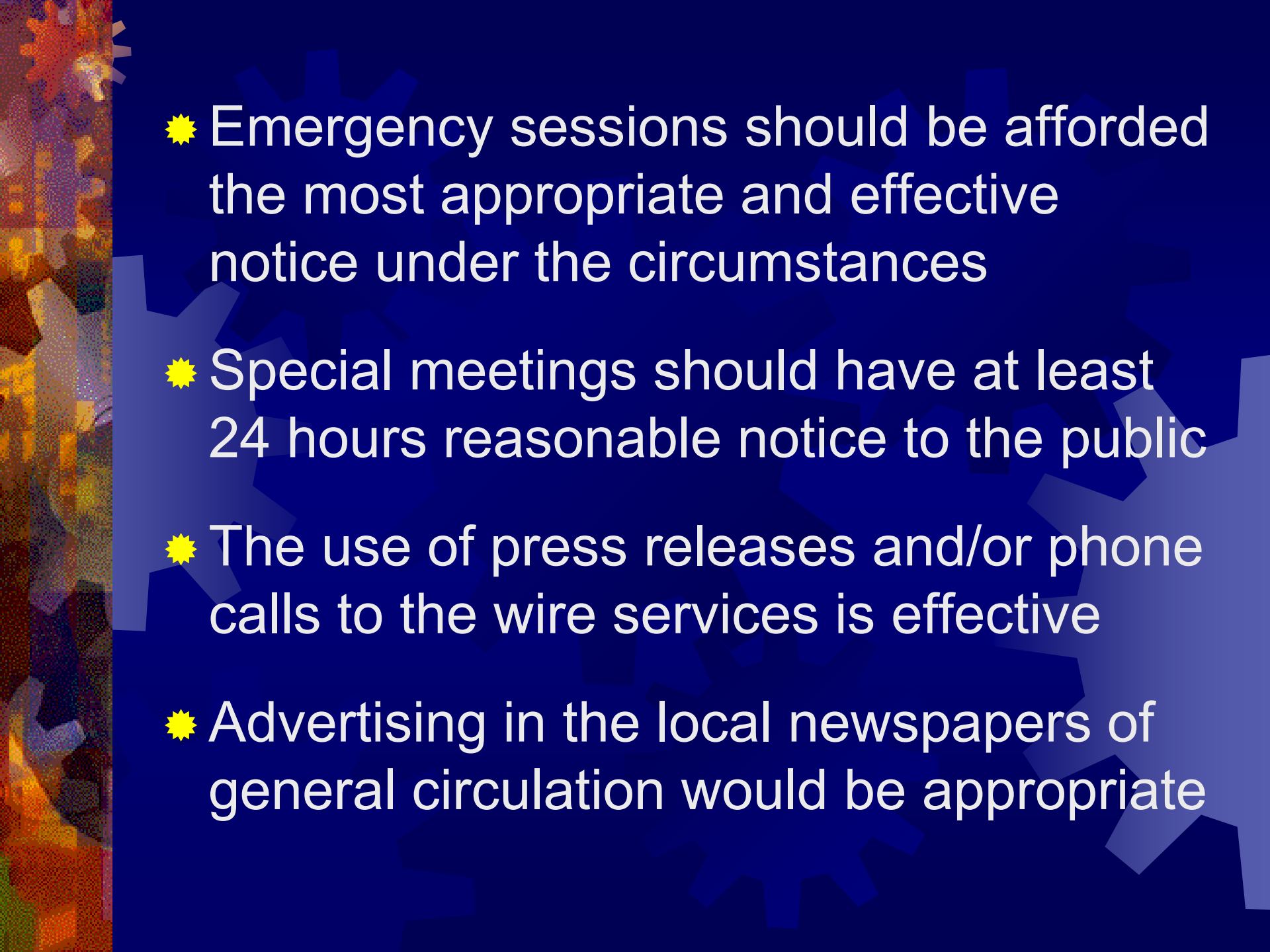
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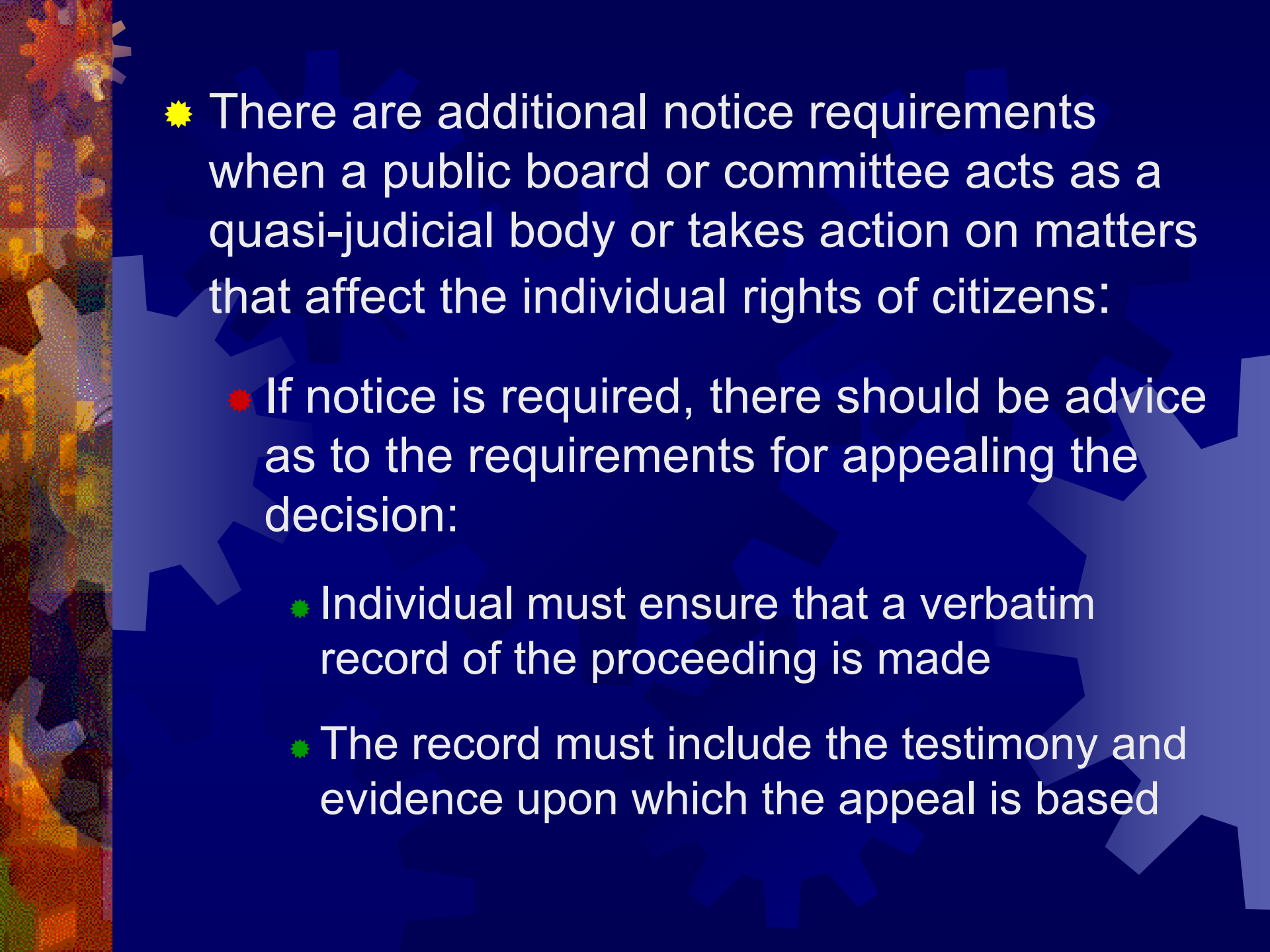
How does a violation of the
Sunshine Law affect the
validity of the action taken?


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- The background features a dark blue field with several large, semi-transparent gears of varying shades of blue. On the left side, there is a vertical strip with a colorful, abstract pattern of orange, yellow, and brown, resembling a sunburst or a textured surface. The text is presented in a white, sans-serif font, with each bullet point starting with a yellow sunburst icon.
- ★ Any official action of a public board, agency or committee, which does not comply with the requirements of the Sunshine Law is *void*
 - ★ The public board, agency or committee must hold a full, open public meeting and take independent final action to cure the violation
 - ★ Curing the violation does not shield the individuals who violated the Sunshine Law from liability

What are the guidelines for complying with the notice requirement?

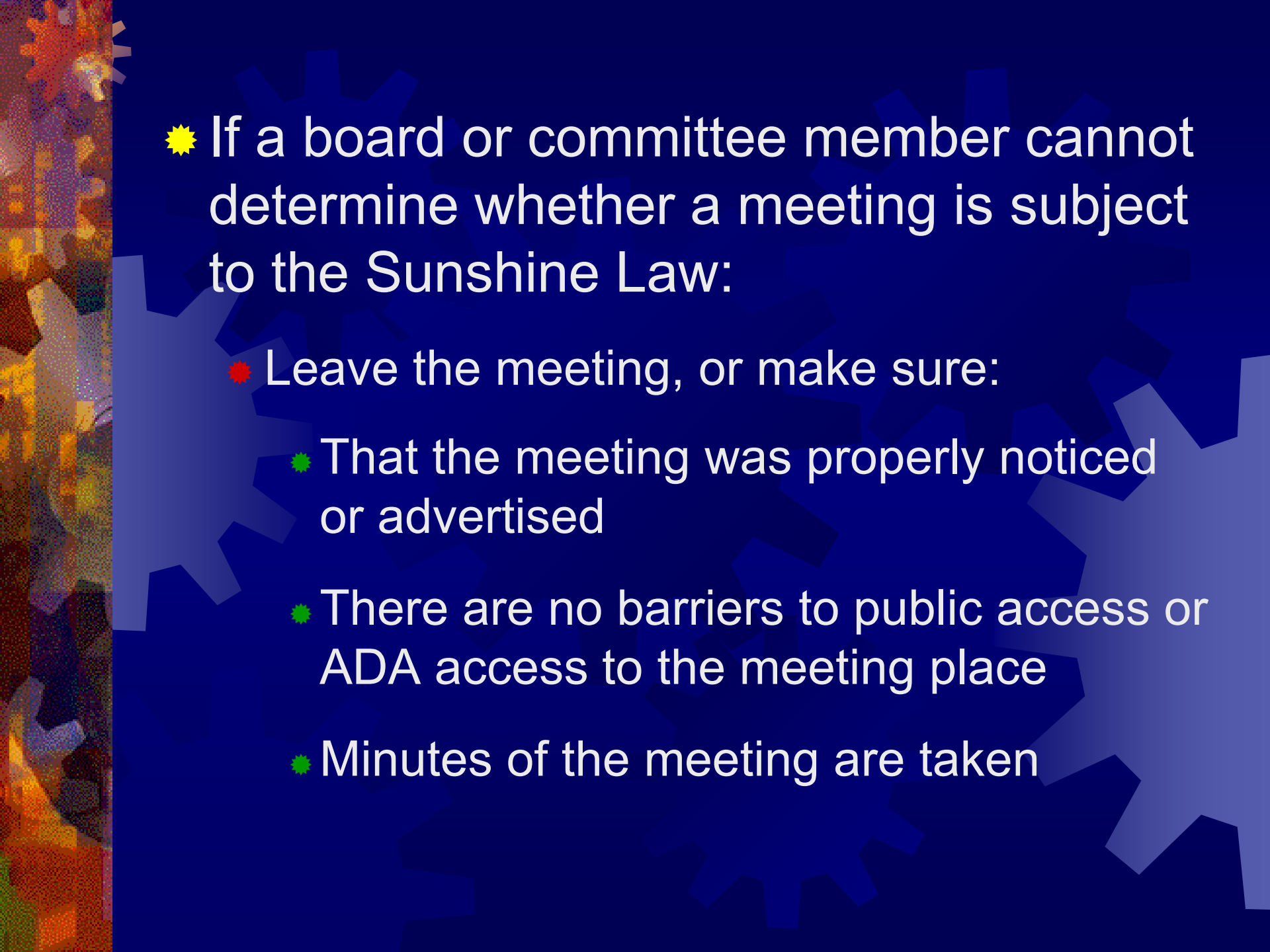
- ✦ The notice should contain the time, date and place of the meeting *and*, if available, an agenda or subject matter summation
- ✦ It should be prominently displayed in the area the County sets aside for that purpose

- 
- The background is a dark blue field with several large, semi-transparent gear shapes in various shades of blue. On the left side, there is a vertical strip with a colorful, abstract, and textured pattern in shades of orange, red, and brown.
- ✦ Emergency sessions should be afforded the most appropriate and effective notice under the circumstances
 - ✦ Special meetings should have at least 24 hours reasonable notice to the public
 - ✦ The use of press releases and/or phone calls to the wire services is effective
 - ✦ Advertising in the local newspapers of general circulation would be appropriate

- 
- The background features a dark blue field with several large, semi-transparent gears of various shades of blue. On the left side, there is a vertical strip with a colorful, abstract, and textured appearance, possibly representing a gear mechanism or a mechanical part. The text is presented in a clear, white, sans-serif font.
- ★ There are additional notice requirements when a public board or committee acts as a quasi-judicial body or takes action on matters that affect the individual rights of citizens:
 - ★ If notice is required, there should be advice as to the requirements for appealing the decision:
 - ★ Individual must ensure that a verbatim record of the proceeding is made
 - ★ The record must include the testimony and evidence upon which the appeal is based



How can members of public boards or committees avoid liability for Sunshine violations relating to notice and access to the public?



☀️ If a board or committee member cannot determine whether a meeting is subject to the Sunshine Law:

- Leave the meeting, or make sure:
 - That the meeting was properly noticed or advertised
 - There are no barriers to public access or ADA access to the meeting place
 - Minutes of the meeting are taken

Attachment #3

FREQUENTLY ASKED QUESTIONS ABOUT FLORIDA'S GOVERNMENT IN THE SUNSHINE LAW (ART. I, SECTION 24, FLA. CONST., AND SECTION 286.011, FLORIDA STATUTES)

1. What is the purpose of Florida's Government in the Sunshine Law?

The purpose of the Sunshine Law is to give citizens a right of access to governmental proceedings.

2. How does the Sunshine Law give citizens access to governmental proceedings?

The Sunshine Law gives citizens access to governmental proceedings in three ways:

- a) Meetings of public boards or commissions must be open to the public;
- b) Reasonable notice of such meetings must be given; and
- c) Minutes must be taken.

These requirements tell interested citizens when a meeting will be taking place and where it will be held. In addition, the minutes provide a written record of who was in attendance and what took place.

3. Why is public access to governmental proceedings so important in Florida?

Since 1967, the public policy of this state underlying Government in the Sunshine is that citizens have the right to know the "how" and the "why" officials decided to take action, not merely the final decision. And so in keeping with this policy, every expressed thought, as well as every affirmative act of a public official as it relates to and is within the scope of his or her official duties, is a matter of public concern; it is the entire decision-making process that the legislature intended to affect by enacting this law.

In 1992, the Florida Constitution was amended to include the open meetings requirement in Art. I, Declaration of Rights. This provision is self-executing.

4. What is "a meeting subject to the Sunshine Law"?

A meeting subject to the Sunshine Law is *any gathering, or interaction* whether formal or casual, of *two or more* members of the *same* public board, commission, or committee to discuss some matter on which *foreseeable* action will be taken by such public board, commission, or committee at some future meeting.

5. **What entities are subject to the Sunshine Law?**

The statute applies to any board, commission, agency, authority, or advisory committee of the County. It applies to both elected officials and appointed members

6. **Are there any exceptions to this?**

Yes, exemptions are created by general law or caselaw. One such case says that advisory bodies created by law, ordinance, or otherwise are not subject to the Sunshine Law where such a body has been established for *fact finding/information gathering and has no decision-making authority*.

7. **How can it be determined whether an advisory body has only a fact finding/information gathering function as opposed to a decision-making function?**

An advisory committee or board is participating in a decision-making process as opposed to fact-finding when it has the discretion to accept or reject options to be presented to the final decision-making authority. For example, screening of applicants and ranking of proposals. However, where a committee is formed to report back to the public entity on, e.g., employee working conditions, such fact-finding is not subject to Government in the Sunshine.

8. **Does the Sunshine Law apply to staff?**

Not unless the staff member has been delegated decision-making functions outside their normal staff functions.

The focus is on the nature of the act performed, not the make-up of the committee or how close or remote the act is from the final decision. For example, if a governmental entity (this includes the County Administrator) forms a committee composed entirely of staff to make non-binding recommendations to him regarding disposition of employee grievances, the Sunshine Law would apply. Another example of a staff Sunshine committee is where a committee (composed of staff and one outside person) is created by the purchasing director to assist and advise him/her in evaluating proposals. Development Review Committees are also subject to the requirements of the Sunshine Law.

However, a committee composed of staff, which is responsible for informing the decision-maker through fact-finding consultations is not subject to the

Sunshine Law. Nor is the law violated when a government executive uses staff for a fact-finding and advisory function in fulfilling his/her *executive* duties.

Informal meetings between staff and a county commissioner, where the discussions are merely informational, where none of the individuals attending the meeting has the authority to make a final decision during that meeting, and where no formal action was taken or could have been taken at that meeting are not subject to the Sunshine Law.

9. **May members of the same board or committee provide written position statements to each other on subjects that will be discussed at a public meeting?**

Yes, so long as (a) there is no interaction related to the report among the members; (b) the report is not used as a substitute for action at a public meeting, and (c) the written report is maintained by the records custodian as a public record.

This is because the circulation of a written report, which does not result in exchange of comments or responses on subjects requiring board action, does not constitute a *meeting* subject to the Sunshine Law.

When circulating written reports, it is important to remember that if other committee or commission members in turn distribute their own position papers to other members, to the extent that such communication is a "response" to another commissioner's position statement, it would violate the Sunshine Law. The circulation of position statements may *not* be used in place of public discussions and deliberations in order to circumvent the requirements of the law.

10. **Are telephone conversations and e-mails subject to the Sunshine Law?**

Yes, therefore, members of *the same board or committee* should not call or e-mail each other on matters which may *foreseeably* come before that board or committee.

11. **What are the consequences if a public board or committee fails to comply with the Sunshine Law?**

Any member of a board, commission, committee or agency of the county who *KNOWINGLY* violates the Sunshine Law is guilty of a misdemeanor of the second degree. Persons convicted of such violation may be sentenced to jail for up to 60 days and/or fined up to \$500.00

KNOWING violation of the Sunshine Law may also result in suspension of an elected or appointed public office by the Governor.

Where an inadvertent violation of the Sunshine Law occurs, the public officer who commits such a violation is guilty of a *non-criminal infraction*, punishable by a fine not to exceed \$500.00. The State Attorney may pursue such actions on behalf of the State.

In addition, any citizen of this County may apply to the Circuit Court to issue an injunction to remedy past as well as future violations.

12. How does a violation of the Sunshine Law affect the validity of action taken?

Any official action of a public board, agency or committee, which does not comply with the requirements of the Sunshine Law is *void*. The public board, agency or committee must hold a full open public meeting and take independent final action in the Sunshine to cure the violation.

Note, however, that curing the violation does not shield the individuals who violated the Sunshine Law from liability.

13. Are there any guidelines for complying with the notice requirement?

Yes, in the absence of specific statutory requirements for advertising, the Attorney General suggests the following notice guidelines:

- a) The notice should contain the time, date and place of the meeting *and*, if available, an agenda or subject matter summation;
- b) The notice should be prominently displayed in the area the County sets aside for that purpose;
- c) Emergency sessions should be afforded the most appropriate and effective notice under the circumstances and special meetings should have at least 24 hours reasonable notice to the public; and
- d) The use of press releases and/or phone calls to the wire services and other media is highly effective. Advertising in the local newspapers of general circulation would be appropriate.

(NOTE: The determination of who will actually prepare the notice or agenda as well as who will take the minutes should be contained in ordinances, resolutions or policy manuals).

When a public board or committee acts as a quasi-judicial body or takes action on matters that affect the individual rights of citizens in contrast with the rights of the

public at large, the board or committee is subject to the additional notice requirements of Section 286.0105, Fla. Stat., which states:

Each board, commission, or agency of this state or of any political subdivision thereof shall include the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

14. How can members of public boards or committees avoid liability for Sunshine violations relating to notice and access to the public?

If a board or committee member is unable to determine whether a meeting is subject to the Sunshine Law, he or she should leave the meeting *or* make sure that the meeting was properly noticed or advertised, that there are no barriers to public access or ADA access to the meeting place, and that minutes of the meeting are being taken.

Board of County Commissioners

Escambia County, Florida

Title: Escambia County Code of Ethics – Section II; C. 26
Date Adopted: November 20, 2008
Effective Date: November 20, 2008
Reference: Part III of Chapter 112, Florida Statutes
Policy Superseded: March 18, 2004, December 6, 2007

Escambia County Code of Ethics Policy

As authorized under the State of Florida Code of Ethics, the Escambia County Board of County As authorized under the State of Florida Code of Ethics, the Escambia County Board of County Commissioners hereby adopts a County Code of Ethics Policy for Escambia County government in accordance with Part III of Chapter 112, Florida Statutes “Code of Ethics For Public Officers and Employees”. All public officers and employees of the Board of County Commissioners will conduct County business pursuant to the Escambia County Code of Ethics Policy in addition to the statutory regulations set out in Part III, Chapter 112, Florida Statutes.

The proper operation of democratic County government requires that its public officers and employees be independent, impartial, and responsible to the people; that County decisions and policy be made through proper channels of the governmental structure; that public office must not be used for personal gain; and that the public have confidence in the integrity of its County government. In recognition of these goals, an Escambia County Code of Ethics Policy for all Public Officers and employees is established.

A. Persons Governed by the Escambia County Ethics Code Policy

1. Public Officers

- a. A “public officer” is defined in Sections 112.313(1) and 112.3143(1)(a), Florida Statutes to include persons “elected or appointed to hold office in Escambia County, including any person serving on an advisory body.”
- b. Examples of such elected and appointed public officers include members of the Board of County Commissioners, Board of Adjustment, and Planning Board.

2. Public Employees

- a. The term “employee” is not defined in the State Code of ethics, but the First District Court of Appeal has applied in an ethics context the same definition of “employee” as is used in tort actions. Wright v. Commission on Ethics, 389 So.2d 662 (Fla. 1st DCA 1980).
- b. Examples of such employees include the County Administrator, County Attorney, and all other salaried or hourly workers employed by Escambia County.
- c. “Independent contractors” hired by the County are not employees and therefore are not governed by provisions in this policy that are applicable to public employees.

3. Candidates for Public Office

“Candidates” for public office (defined in Section 112.312(6), Florida Statutes to mean any person who had filed financial disclosure and qualification papers, has taken the candidate’s oath, and seeks to become a public officer by election) are subject to a limited number of ethical provisions; and successful former candidates who have not yet taken office are subject to the gifts law contained in Section 112.3148, Florida Statutes.

B. State Code of Ethics

All County public officers and employees shall be required to become familiar with the provisions of Part III, Chapter 112, Florida Statutes, including but not limited to the following sections:

1. Section 112.313, Florida Statutes. This section establishes the standard of conduct for public officers and employees of the County. It sets out the standards which must be followed in any official business conducted by public officers or employees of the County, including such matters as the solicitation or acceptance of gifts, doing business with one’s agency, unauthorized compensation, salary and expenses, misuse of public position, conflicting employment or contractual relationships, disclosure or use of County information and certain other matters.
2. Section 112.3135, Florida Statutes. This anti-nepotism section prohibits a public officer from appointing, employing, promoting, or advancing or advocating the appointment, employment, promotion, or advancement of a relative. It does not prohibit two relatives from being employed within the County at the same time. “Relative,” for purposes of this section only, with respect to a public officer, means an individual who is related to the public officer as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
3. Section 112.3143, Florida Statutes. This section governs public officers who are elected or appointed to hold office in the County, including any person serving on an advisory board. It forbids any County public officer voting in his or her official capacity upon any measure which would inure to his or her special private gain or loss and provides such voting conflicts.
4. Section 112.3144, Florida Statutes. This section requires the full and public disclosure of the financial interests of certain County public officers as specified herein. It establishes the procedure for such filing and the fines for failure to timely file as required.
5. Section 112.3145, Florida Statutes. This section requires that County public officers file disclosures of their financial interests and clients represented before the Board of County Commissioners and other boards and committees. It governs such persons as the members of the Board of County Commissioners, the County Administrator, County Attorney, and other county employees such as the Purchasing Manager, the administrator with the power to grant land development permits; i.e., County Engineer, Chief Building Official; i.e., Director of Building Inspections, County Pollution Control Director and County Environmental Control Director; i.e., Director of Neighborhood and Environmental Services, Members of Planning Board and Board of Adjustment, and Fire Chief.
6. Section 112.3147, Florida Statutes. This section is applicable to all County public officers and employees, who are required to file disclosures with the State Commission on Ethics, to use certain forms as provided by the Commission.

7. Section 112.3148, Florida Statutes. This section governs certain County public officers and employees filing full or limited public disclosure of the financial interests. It defines who a lobbyist is and sets out the reporting and receipt of gifts procedure by individuals filing full or limited public disclosure of financial interests and by procurement employees.
8. Section 112.3149, Florida Statutes. This section deals with the solicitation and disclosure of honoraria. It defines honoraria and how such honoraria may be accepted and reported to the Commission on Ethics.
9. Section 112.3151, Florida Statutes. This section provides for the extension of time for filing certain disclosures. It states the Commission on Ethics may grant for good cause, on an individual basis, an extension of time for filing any disclosure required under the State Code of Ethics.
10. Section 112.317, Florida Statutes. This section provides for the State penalties that County public officers or employees may face for violation of the State Ethics Code.

C. Standards of Conduct

The conduct of all public appointed officers and employees shall be measured by the standards set out in Part III, Chapter 112, Florida Statutes, and by those additional standards adopted by the County that require a higher standard of conduct than permitted under the State Code of Ethics, including but not limited to the following:

1. Personal Interest in County Contract or Transaction. No County public officer or employee having the power or duty to perform an official action related to a County contract or a transaction shall:
 - a. Have or thereafter acquire any interest in such a contract or transaction, or
 - b. Have an interest in any business entity representing, advising, or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction, or
 - c. Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction, or
 - d. Have solicited, accepted, or granted a present or future gift, favor, service, or thing of value from or to a person involved in such contract or transaction, except as otherwise allowed in the State Code of Ethics.
2. Disclosure or use of Certain Information. No public officer, employee of an agency, or local government attorney shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.
3. Withholding of Information (Required Disclosure).
 - a. No public appointed officers or employees shall withhold any information when the officer or employee knows, or reasonably should know, that a failure to disclose may impair the proper decision making of any County boards, authorities, agencies or committees. In addition to the requirements of Chapter 112, Part II, Code of Ethics for

Public Officers and Employees, members of subordinate boards and committees, and any of the County's employees who are recommending the approval or denial of a recommendation for any official action shall, prior to any such action, disclose any recent (within the last 90 days) or ongoing business, financial, or investment relationship or interest that may, in the context of the proposed official motion, reasonably be deemed to create the appearance of impropriety.

- b. Employees classified as Senior Executive Service I or II shall be required to comply with the financial disclosure requirements established pursuant to Section 112.3145, Florida Statute (2007), including any appointed public officer or employee in the Senior Executive Service who does not have an independent obligation to make such financial disclosure under that section. For any SES employee who does not have an independent obligation to make this financial obligation under state law, disclosure shall be made on the Statement of Financial Interest form (attached to this policy). Disclosure shall be made on an annual basis but shall not be made later than July 1 of each year. The County Ethics Officer shall ensure that disclosure forms and all necessary instructions for compliance are available and that members of the Senior Executive Service have adequate time to complete the disclosure forms. The County Ethics Officer shall be the custodian of records for any disclosure forms that are not required to be sent to the State of Florida Commission on Ethics.
4. Public Property. No County public officer or employee shall request or permit the unauthorized use of County-owned vehicles, equipment, materials, or property.
 5. Special Treatment. No County public officer or employee shall grant any special consideration, treatment, or advantage to any person, group or organization beyond that which is available to every other person, group or organization in the same or similar circumstances.
 6. Payment of Debts. All public officers and employees shall settle, in a timely fashion, business accounts between them and the County, including the payment of taxes.
 7. Gifts and Gratuities. Appointed public officers and employees shall not directly solicit any gift or accept or receive any gift – whether it be money, services, loans, travel, entertainment, hospitality, a promise, or in any other form – under circumstances where it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties, or the gift was intended to serve as a reward for any official action on their part. Furthermore, no County employee shall receive any gifts from organizations, business concerns, or individuals that are lobbyists or vendors that have a business relationship with the County if such gift has a value over \$50.00.

The following shall not be deemed a violation of the limitations this Policy imposes as it relates to gifts and gratuities over \$50.00:

- a. Legitimate salary, benefits, fees, commissions, or expenses associated with a public officer's or employee's non-public business;
- b. An award, plaque, certificate, memento, or similar item given in recognition of the public officer's or employee's civic, charitable, political, professional, or public service;
- c. Food, beverages, and registration at group events to which all similarly situated employees or public officers are invited;
- d. Actual and reasonable expenses, as set out in the County travel policy, for food, beverages, travel, lodging, and registration for a meeting which are provided to a public officer or employee so that he or she may participate in or speak at a meeting or conference or similar event;

- e. A commercially reasonable loan offered to the public at large and made in the ordinary course of business;
 - f. Promotional items generally distributed free to public officers or employees by County vendors;
 - g. Gifts from a relative (father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law) of the appointed officer or employee.
8. Gift Reports. All reporting individuals, including County Commissioners, County Attorney, County Administrator, Purchasing Manager, the administrator with the power to grant land development permits, i.e., County Engineer, Chief Building Official, County Pollution Control Director and County Environmental Control Director; i.e., Director of Neighborhood and Environmental Services, members of Planning Board and Board of Adjustment, and Fire Chief, who receive a gift shall report that gift in the manner provided by Section 112.3148, Florida Statutes.
9. Outside Employment. County employees may engage in outside employment, subject to the following restrictions:
- a. County employees may not render services for outside interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their duties; and
 - b. County employees may not use County property or resources to assist or promote the outside employment, service or business; and
 - c. County employees may not use any portion of time spent working for the County to assist or promote such outside employment, service, or business.

Furthermore, all County employees seeking to engage in private employment must complete the certification form (attached to this policy) that: 1) discloses the identity of the private employment, service, or business, 2) discloses the nature of the private employment, service, or business, and the job duties of the position that the County employee seeks, and 3) discloses whether, to the employee's knowledge, the private employer, service, or business is a vendor or contractor for the County. This certification form, declaring such outside employment, must be filed with and approved by the County Ethics Officer and approved by the County Administrator. A copy of the certification form will be maintained in the employee's official personnel file.

10. Prohibited Investments. No appointed public officer or employee over the course of his or her employment shall be allowed to have any personal investment which in any way would create a substantial conflict of interest between his or her private interests and the County's interest. Additionally, no appointed public officer or employee who reviews applications for permits or approvals shall enter into any contractual relationship with a person or entity who must obtain a County permit or approval for the property (real or personal) that is the subject of the contract. However, once the person or entity has obtained a final decision on the permit or approval, the appointed public officer *may* enter into a contractual relationship for the property, provided: 1) any member of the public has the same opportunity to enter into a contractual relationship for the property with substantially similar terms and conditions, and 2) the contractual relationship does not violate any other provision of this policy. A decision is deemed final after any and all appeals of the decision are final.

Furthermore, no County employee (including the County Administrator and the County Attorney) may enter into any joint business or joint investment with an elected County officer while the officer is serving his or her term of office. If the employee has any joint business or joint investment, with a commissioner that existed prior to the election of the commissioner, the employee must make full disclosure of the business or investment immediately upon the election of the commissioner.

11. Miscellaneous Malfeasance or Misfeasance. Any County public officer or employee, who breaches the public trust for private gain, shall be liable to the County for repayment of all financial benefits obtained by such a breach. It also shall be unlawful and a violation of this policy for any County public officer or employee to threaten or intimidate or otherwise impede any witness, investigation, administration of law, the conduct of any public meeting, or any other act that would interfere with the lawful functioning of County government.
12. Improper Use of Position. No County public officer, employee or County attorney shall use or attempt to use his or her official position or any property or resource which may be within his or her trust, to secure a special privilege, benefit, or exemption for himself, herself, or others.
13. Converting County Property. A County public officer or employee is prohibited from converting or embezzling any real or personal property for which that public officer or employee is required to possess or control in the execution of his or her County duties. Upon a conviction and adjudication of guilt by a court of competent jurisdiction, whether civil or criminal, the County shall request that the court require proper restitution to the County.
14. Political Activity. Any County public officer or employee (except for the elected members of the Board of County Commissioners) is prohibited from conducting political activities while on County time. No such political activities will be undertaken by any person who disadvantages the functioning of County government. A County public officer or employee is prohibited from using County resources to aid or boost the political campaign of any elected public officer. This policy shall not be interpreted to violate the protected constitutional rights of the First Amendment or the impairment of any public officer or employee's civil rights to vote and to take part in political campaigns.
15. Professional Services. No County public officer or employee may recommend the services of any lawyer or other professional to assist any person in a transaction involving the County unless such recommendation is a part of that person's official duties. No attorney employed by the County or other employee shall represent a private individual or entity before the County.

16. Ethics Officer. A County Ethics Officer will be appointed by the Board of County Commissioners. Unless another County employee is specifically designated as the County Ethics Officer by the Board of County Commissioners, the employee holding the position of County Human Resources Manager shall be the County Ethics Officer. The County Ethics Officer duties and responsibilities shall be assigned, as a separate responsibility, to the Human Resources Manager. The Ethics Officer may receive complaints from the public or County personnel involving alleged ethical violations by the County's appointed public officers or employees. The Ethics Officer will review any such allegation to determine whether or not it appears to be factually grounded. The Ethics Officer shall also report the allegation to the Chairman, BCC and the County Administrator and shall review the factual basis for the allegation with the County Attorney. Should the complaint involve the County Administrator, the complaint shall be referred to the Chairman of the Board. Should the complaint involve any Board Member or Ethics Officer the complaint shall be referred to the County Attorney. After such review, the Ethics Officer may initiate an investigation or refer the complainant to the State Commission on Ethics (COE) as appropriate. For purposes of this Policy, the Ethics Officer's decision to initiate an investigation or to make a referral to the COE is subject to approval by the Chairman of the BCC and the County Administrator. The Ethics Officer's completed report will be submitted to the Chairman of the Board of County Commissioners. Removal of the Ethics Officer will require a majority vote of the Board of County Commissioners after a finding of good cause.
17. Disclosure of Criminal Records Required. Any person applying for appointment to a County board or committee or for employment with Escambia County will disclose any criminal convictions and the failure to do so may result in dismissal from any such volunteer, board or committee member, or from employment of the County.
18. Prohibition against Misuse of Code. Individuals covered by this policy shall not use its provisions to further false or frivolous claims against another. False claims shall be those forwarded with knowledge that the claim contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of material fact. The filing of a false complaint shall be a violation of this policy.
19. Enforcement and Penalty. Pursuant to Subsection 112.317(3)(b), Florida Statutes, the Board of County Commissioners finds that an efficient and effective method for the determination of violations of the ethical standards set forth in this Policy is through local enforcement as provided herein. This Policy may be enforced in any manner allowed, authorized, or otherwise provided by law or ordinance, including Section 125.01, Florida Statutes.
 - a. For appointed public officers, who are members of County boards and committees, the Board of County Commissioners may censure or remove that person for a policy violation and prohibit him or her from being reappointed to a County board or committee for up to a period of five (5) years or may refer the matter to the State Commission on Ethics for investigation.
 - b. For County employees, such employees may be subject to employment sanctions for a policy violation, including but not limited to, reduction in pay, reprimand, suspension, or termination in accordance with the personnel procedures which are currently established allowing for County classified or unclassified employees to be disciplined or the referral of the matter to the State Commission on Ethics for investigation.

20. Training, Administration and Records. The HR Director shall be responsible for training, administration and records associated with the BCC Ethics Program. All County employees classified as Senior Executive Service I or II are required to attend no less than two (2) hours of ethics training on an annual basis. Ethics training shall additionally be made available to all other supervisors and managers, and must attend a minimum of one (1) hour training annually. The HR Manager shall be responsible for scheduling an adequate number of training sessions and shall provide adequate notice of the training sessions. "Ethics Training" includes any training on the provisions, application, and enforcement of this policy, on the provisions, application, and enforcement of the State Code of Ethics, and any other ethics-based training for public employees approved by the County Ethics Officer. Failure to attend the minimum requirements for ethics training annually shall constitute a "for cause" basis for disciplinary action.

ACKNOWLEDGEMENT OF RECEIPT

I have received and read the Escambia County Ethics Policy and agree to abide by its provisions and uphold its policies.

Name: _____ Job Title: _____

Department: _____

Signature: _____ Date: _____

STATEMENT OF FINANCIAL INTERESTS

LAST NAME — FIRST NAME — MIDDLE NAME:

For Office
Use Only:

MAILING ADDRESS: _____ If change of address, check here:

Date Received: _____

By: _____

CITY: _____ ZIP: _____ COUNTY: _____

NAME OF AGENCY: _____

NAME OF POSITION HELD: _____

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

**** BOTH PARTS OF THIS SECTION MUST BE COMPLETED ****

DISCLOSURE PERIOD:

This statement reflects your financial interests for the preceding tax year, whether based on a calendar year or on a fiscal year. Please state below whether this statement is for the preceding tax year ending either (check one):

December 31, 20____ or Specify Tax Year if other than the calendar year: _____

PART A – PRIMARY SOURCES OF INCOME (Major sources of income over \$2,500 min. to the reporting person, i.e., other employment, pensions, rental property)

Name Source of Income	Source's Address	Description of the Source's Principal Business Activity
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART B – SECONDARY SOURCES OF INCOME (Major customers, clients and other sources of income to businesses owned by the reporting person)

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

HR2007-18

Submit Form to HR Dept.

PART C – REAL PROPERTY – FLORIDA ONLY (Land, buildings owned by the reporting person)

PART D – INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses, that have currently or likely will do business with Escambia County BCC)

	Business Entity # 1	Business Entity #2	Business Entity # 3
Name or Business Entity			
Address of Business Entity			
Principal Business Activity			
Position Held With Entity			

IF ANY OF PARTS A THROUGH D ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE (required):

DATE SIGNED (required):

FILING INSTRUCTIONS

What to File:

After completing all parts of this form, including signing and dating it, submit only pages 1 and 2 to the HR Dept. of the BCC.

If you have nothing to report in a particular section, you must write "none" or "n/a" in the section(s).

Facsimiles will not be accepted.

Where to File:

SES I and SES II non-reporting employees submit this form to the HR Dept. of the BCC.

When to File:

Within 30 days of the effective date of the approved inclusion of the Escambia County Code of Ethics and every year thereafter by July 1.

BOARD OF COUNTY COMMISSIONERS
CERTIFICATION OF OUTSIDE EMPLOYMENT

_____ (name) do hereby state under oath that I engage in non-county employment.

This employment is conducted entirely in my off-duty hours, and I do not use or take advantage of any resources or equipment of Escambia County in its performance. I understand and agree that such employment is secondary to my County employment in all respects. Specifics regarding my outside employment follow:

1. Name and address of company/organization:

a) _____ b) _____

2. Nature of Business or operations:

a) _____ b) _____

3. Your Duties:

a) _____ b) _____

4. To the best of your knowledge, do any of the companies/organizations listed above have a business relationship with the Escambia County Board of County Commissioners?

Yes ___ No ___ If yes, please describe nature of business transactions: _____

For purposes of this question, a "business relationship" may be ongoing, may have been conducted within the past 18 months, or may be intended to begin within the next 18 months.

I, by my signature below, certify that my outside employment does not now pose a conflict of interest with my current County employment nor will such outside employment create such a conflict in the future. Should I discover that such outside employment does indeed create such a conflict in the future, I will promptly advise my supervisor and the Ethics Officer indicating that I will cease such outside employment or I will resign my current County position.

Also, I will promptly advise my supervisor and the Ethics Officer when there is a change or addition to my outside employment listed above.

I understand and agree that for the purposes of this certification "conflict of interest" shall mean those conflicts set out in Part III of Chapter 112, Florida Statutes and the Escambia County Code of Ethics Policy.

I understand and agree that violation of this certification in any aspect shall be grounds for disciplinary action by Escambia County up to and including termination of my employment.

Name: _____ Job Title: _____

Signature: _____ Date: _____

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Subscribed and sworn to (or affirmed) before me this _____ by

_____ who is personally known to me or has produced _____ as
identification. (type of identification)

SEAL

Notary Public _____

Approved by: _____

Ethics Officer

Date: _____

County Administrator

Date: _____



Attachment #4

Escambia County RESTORE Act

Analysis of the RESTORE Act of 2012

Creation of Local RESTORE Act Committee and
Funding Guidelines

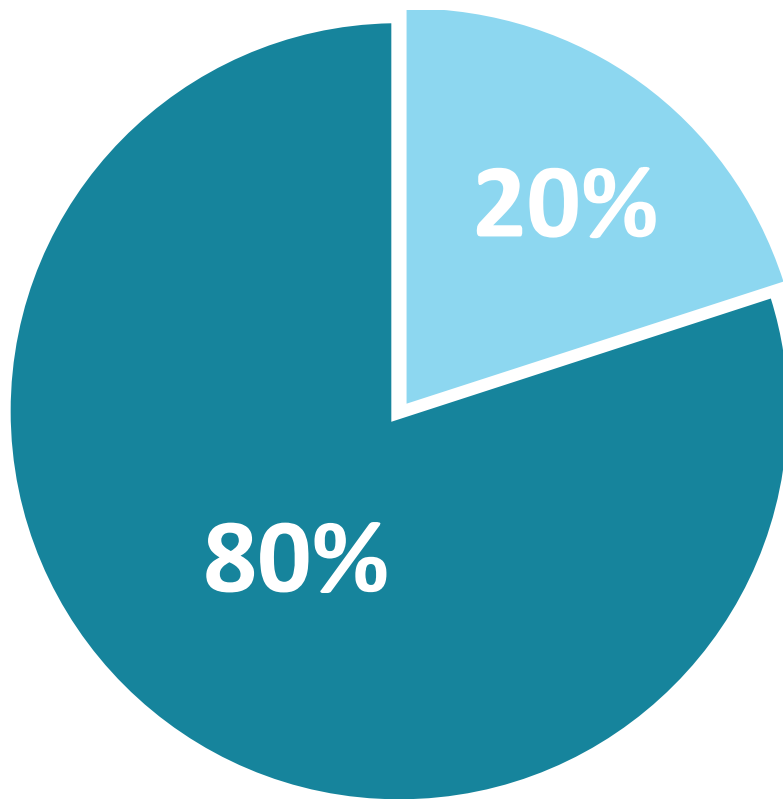


SCG Governmental Affairs
Bill Williams



Analysis of the RESTORE Act of 2012

OVERALL RESTORE ACT FEDERAL/STATE “SPLIT”*



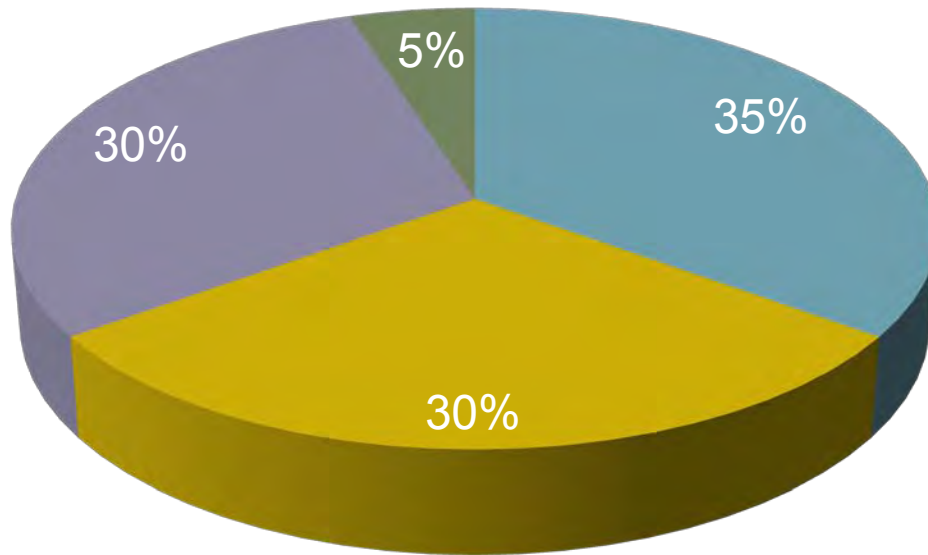
- Federal Share
- Gulf Share

*** Sends 80% of all administrative and civil penalties by Responsible Parties in Deepwater Horizon, together with any additional appropriations provided by law to the Gulf region (5 affected states).**



THE 80% TO THE GULF SPLIT* (GULF COAST RESTORATION TRUST FUND)

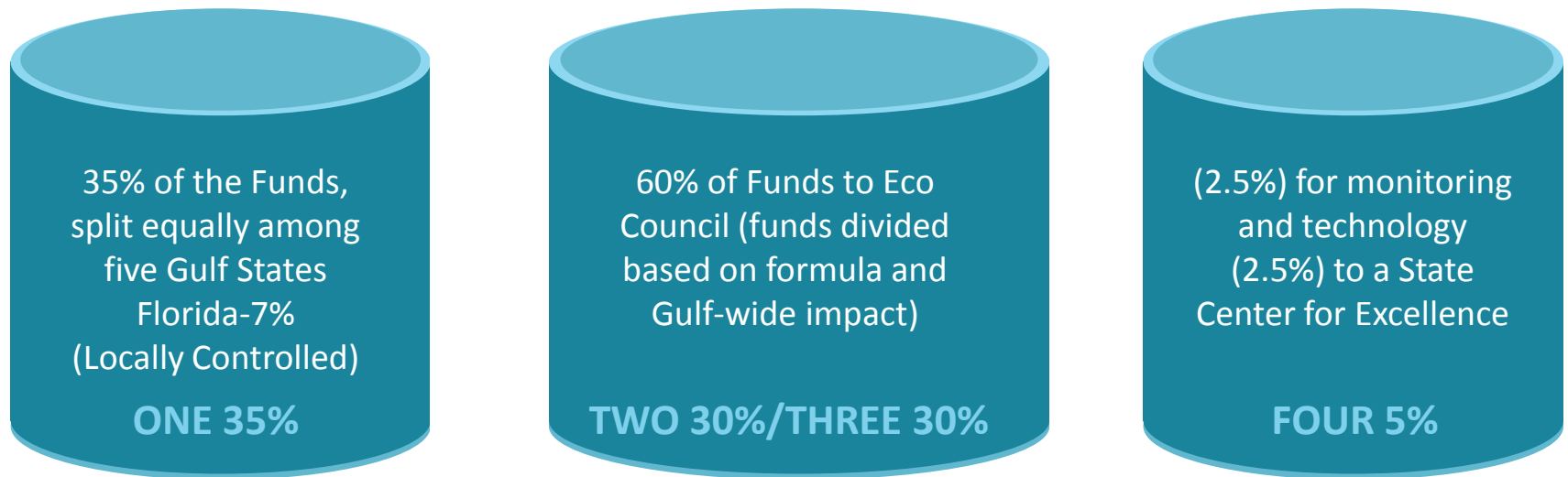
Breakdown



- 1st Pot: 35% Equal State Allocation (LOCAL)
- 2nd Pot: 30% Gulf Coast Ecosystem Restoration Council Allocation (Federal)
- 3rd Pot: 30% Oil Spill Restoration Impact Allocation (State)
- 4th Pot: 5% Research



UNDERSTANDING THE POTS IN THE 80%



HOW THE POTS ARE GOVERNED

75% 8 Counties
25% 15 Counties
Local Government
Control

ONE

Governor (or
Designee) sits as
Member of 11 person
Council
(6 fed/5 state)

TWO

State/Governor
Approved Council
(Florida Consortium
of 23 Counties)

THREE

2.5 %
Administered by
NOAA/USFWS
2.5%
Public/Private
Institutions &
DEP/FWC

FOUR

Pot One in the State of Florida



Projects to restore natural resources or economy

Project selection requires meaningful public input

Multiyear plan for use of the funds

Consistent with standard procurement rules

- ▶ **75% directly to the 8 disproportionately affected counties (Escambia to Wakulla)**
 - ▶ Example: if total fine is \$20B, 75% of \$1.12B = \$840M
- ▶ **25% directly to the non-disproportionally impacted counties (15 Counties)**
 - ▶ Formula: 34% based on population; 33% based on the county per capita sales tax collections estimated for FY2012; 33% based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.
 - ▶ Example: If total fine is \$20B, 25% of \$1.12B = \$280M, then 34% = \$95.2M; 33% = \$92.4M)

Pot One in the State of Florida



Projects to restore natural resources or economy

Project selection requires meaningful public input

Multiyear plan for use of the funds

Consistent with standard procurement rules

Conditions:

- ▶ **(1) Agree to Sec’y of Treasury requirements (includes audit)**
 - ▶ **(2) Certify to Sec’y of Treasury projects/programs:**
 - ▶ (a) Meets criteria (approved usage)
 - ▶ (b) Was selected based on meaningful input from public (including individuals, businesses, and NPOs)
 - ▶ (c) For natural resource protection or restoration projects, based on the best available science.
 - ▶ **(3) Certify the projects/programs/contract award are consistent with standard procurement rules and audit requirements**
 - ▶ **(4) Develop and submit a multi-year implementation plan for the use of funds**
- *Funds allocated to a coastal political subdivision (in FL, a county) shall remain in the Trust Fund until plans submitted and approved**



What Can Pot One Money Be Used For?



Projects to restore natural resources or economy

Project selection requires meaningful public input

Multiyear plan for use of the funds

Consistent with standard procurement rules

- ❖ **Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region**
- ❖ **Mitigating damage and restoration of fish, wildlife, and natural resources**
- ❖ **Implementing a federally approved marine or coastal conservation management plan**
- ❖ **Promotion of tourism in the Gulf Coast Region, including recreational fishing**
- ❖ **Promotion of the consumption of seafood harvested from the Gulf Coast region**

What Can the Pot One Money Be Used For? Continued...



*Projects to restore
natural resources or
economy*

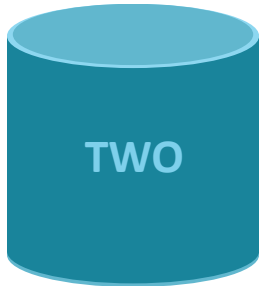
*Project selection
requires meaningful
public input*

*Multiyear plan for
use of the funds*

*Consistent with
standard
procurement rules*

- ❖ **Infrastructure projects benefitting the economy or ecological resources, including port infrastructure**
- ❖ **Workforce development and job creation**
- ❖ **Improving state parks in coastal areas affected by the Spill**
- ❖ **Planning assistance**
- ❖ **Coastal flood protection and related infrastructure**
- ❖ **Administrative costs of complying with the Act (limited to 3%)**

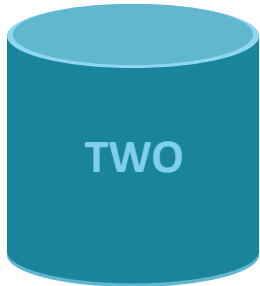
How Does the Pot Two Council Money Flow?



Council shall expend funds, using the best available science, to undertake programs and projects that would restore and protect the natural resources, ecosystem, and economy of the Gulf Coast.

- ❖ **Federal members are Secretary of the Interior, Secretary of the Army, Secretary of Commerce, Administrator of the EPA, Secretary of Agriculture, head of the department in which the Coast Guard is operating**
- ❖ **State members are the Governors of the five Gulf states or their designees**
- ❖ **Council's actions consist of approving a Comprehensive Plan, approving state plans, and approving reports to Congress**
- ❖ **50% of Council money is disbursed back to the states based on a formula including oiled shoreline miles, distance from the rig to the shoreline, and the average population of coastal counties from the 2010 census**

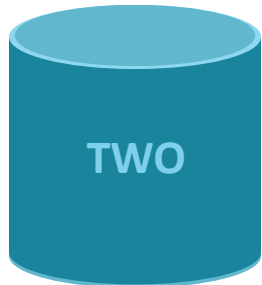
How Does the Pot Two Council Money Flow? Continued...



Council shall expend funds, using the best available science, to undertake programs and projects that would restore and protect the natural resources, ecosystem, and economy of the Gulf Coast.

- ❖ **50% of Council money goes to the creation of the comprehensive plan**
- ❖ **State Governors select one federal member to serve as Council Chair**
- ❖ **All significant council actions require the vote of the Chair plus a majority of the Governors**
- ❖ **A majority of state members must be present for the Council to take meaningful action.**
- ❖ **States must develop state implementation plans listing the projects which will receive grants. Such plans may specifically include economic recovery projects**

Pot 2 Council Members



Council shall expend funds, using the best available science, to undertake programs and projects that would restore and protect the natural resources, ecosystem, and economy of the Gulf Coast.

Members:

CHAIR: Department of Commerce
Dr. Rebecca Blank

Department of Agriculture
Thomas J. Vilsack/Harris Sherman

Department of the Interior
Kenneth L. Salazar/Rachel Jacobson

Department of the Army
John McHugh/Jo Ellen Darcy

Department of Homeland Security
Janet Napolitano/VADM John Currier

Environmental Protection Agency
Lisa P. Jackson/Ken Kopocis

Governors' Representatives

AL - David Perry
FL - Mimi Drew
LA - Garret Graves
MS - Trudy Fisher
TX - Toby Baker

How Does the Pot Three Money Flow?



Council shall expend funds, using the best available science, to undertake programs and projects that would restore and protect the natural resources, ecosystem, and economy of the Gulf Coast.

❖ **Weighted formula to determine how much money each state receives.**

- 20% avg population of coastal counties
- 40% miles of oiled shoreline
- 40% distance from Deepwater Horizon

❖ **State Plans must be approved by Council (pot 2)**

❖ **FL Association of Counties facilitated a group of 23 counties to develop an interlocal agreement to oversee this fund. (Structure must be approved by Governor)**

❖ **Executive Body**

- **Chairman: Grover Robinson, Escambia County**
- **Vice Chairman: Susan Latvala, Pinellas County**
- **Sec./Treasurer: Warren Yeager, Gulf County**

How Does the Pot Four Money Flow?



❖ **2.5% Gulf Coast Ecosystem Restoration Science, Observation, Monitoring & Technology Program**

NOAA and US Fish & Wildlife Service shall consult Gulf of Mexico Fishery Management Council & Gulf States Marine Fisheries Commission

❖ **2.5% Centers of Excellence**

The funds will be split up evenly among the 5 Gulf States to establish a center in each state.

Florida's center will be a consortium of public & private research institutions, including DEP & FWC



Critical Factors in Receiving the Money

- ❖ **State agrees to abide by the guidelines set for by the Secretary of the Treasury, including audit requirements**
- ❖ **States bring forward plans/projects based on input from the public, including broad-based participation from individuals, businesses, and nonprofit organizations**
- ❖ **Projects to restore the environment are based on the best available science**
- ❖ **Projects comply with state procurement, bidding, and audit requirements**
- ❖ **State presents a multiyear implementation plan with milestones and evaluation processes**

Special Uses for the Money

- ❖ **Funds may be used to satisfy the non-Federal share of the cost of any project or program authorized by Federal law that is an eligible activity under the Act**
- ❖ **Previously approved projects may qualify under RESTORE provided the conditions for use, public input, and fund integrity are place.**
- ❖ **In awarding contracts under the Act, a State may give preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in the State.**



When Will We See the Money?

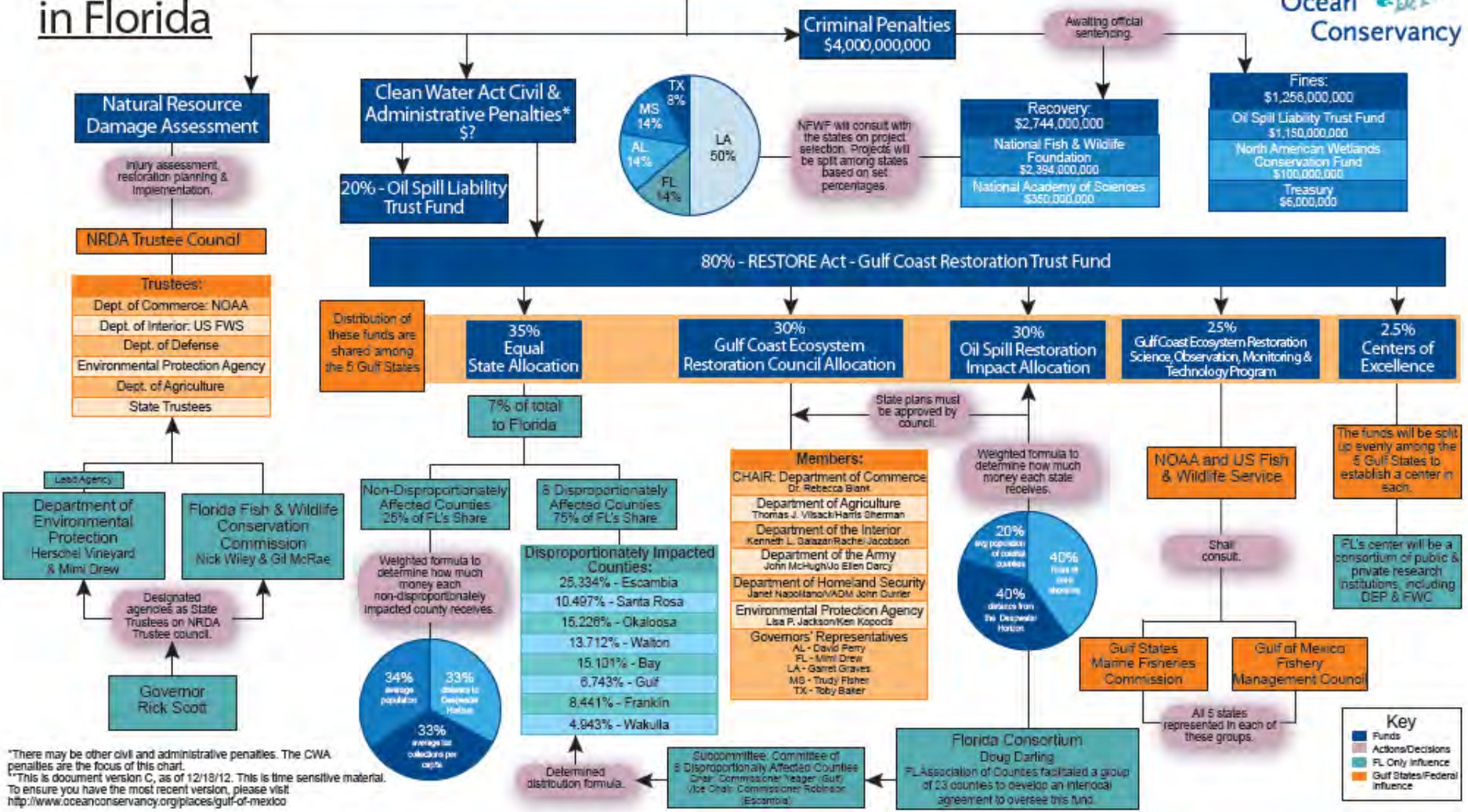
- ❖ **There will be no RESTORE Act monies until the CWA penalties are either settled OR litigated.**
- ❖ **The litigation process would likely push the money well into 2013.**
- ❖ **Settlement could occur at any time, either as a separate CWA settlement or as part of a global settlement that pulls in the NRDA claims as well.**



Flow of Oil Spill Funds in Florida

Resolution of Criminal, Civil, Administrative & Natural Resource Claims

Contact: TJ Marshall
Director, Constituent Outreach
tmarshall@oceanconservancy.org
727-369-6616



*There may be other civil and administrative penalties. The CWA penalties are the focus of this chart.
*This is document version C, as of 12/13/12. This is time sensitive material. To ensure you have the most recent version, please visit <http://www.oceanconservancy.org/places/gulf-of-mexico>



Creation of Local RESTORE Act Committee and Funding Guidelines

RESTORE Act Local Funds

Escambia County will receive an automatic allotment of RESTORE Act funding in the event of a settlement.

Here are estimates for Escambia County's local amount, based on range of settlement amounts:

Settlement Amount	Local Distribution to Escambia
Example) \$ 1B	\$ 10.64M (FAC/Transocean
5B	53.20 M
10B	106.40 M
15B	159.61 M
20B	212.81 M

Why is the money coming to the County? The RESTORE Act legislation directs the State of Florida's funding to "coastal political subdivisions" defined in the Act as "any local political jurisdiction that is immediately below the State level of government, including a county, parish or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico."



Distribution of Local Funds

To distribute these funds, the County will need to:

1. **Establish a local Restore Act Committee.**
 - ▶ The main responsibility of committee is to solicit project applications, review applications, evaluate projects, rank projects, and present its ranked list to the County Commission for approval. (BOCC has final authority).

2. **Develop selection process for projects to be funded with RESTORE dollars.**
 - ▶ In order to solicit, evaluate and rank projects, we will need to develop an application, an application process and scoring criteria.

Gen Requirements for the Local Committee

--Sunshine, Ethics, Public Records

As a general reminder, the following requirements apply to the Committee and its members:

- ▶ As members of advisory body, all members are governed by standards of conduct and code of ethics in FS Ch 112
- ▶ The committee and its members will be subject to state Sunshine laws (FS Ch 286)
- ▶ The committee and its members will be subject to Florida Public records law (FS Ch 119)
- ▶ No member or their designee shall receive any personal gain from serving on the committee
- ▶ Members will not be required file a statement of financial interests

Role of Local Committee

- ▶ Its main responsibility will be to review and rank each proposed project based upon the guidelines provided in the RESTORE Act, federal rules, and community needs.
- ▶ Hold advertised public meetings
- ▶ Provide regular status reports to the BOCC
- ▶ Establish an application and application procedure (*in consultation with BOCC? After specific direction and input from BOCC?*)
- ▶ Solicit and accept all applications for projects that comply with RESTORE Act eligibility
- ▶ Review, score and rank projects, and present the ranked project list to BOCC (*BOCC will review its ranking, and make the final decision regarding best use of the RESTORE Act funds.*)
- ▶ May provide input and assistance to the County's responsibility to develop and submit a multi-year implementation plan for RESTORE Act projects

Local RESTORE Act Committee Composition

- ▶ BOCC needs to determine:
 - ▶ General composition of this committee, and
 - ▶ Selection/appointment process for each member
- ▶ **Considerations for Committee Composition:**
 - ▶ Appropriately representative but manageable in size (9?)
 - ▶ Expertise: Members with diversified backgrounds, including the knowledge related to the allowable uses of the funds, and expertise to perform the responsibilities of the committee.
 - Subject area expertise: enviro ecol, fisheries, tourism, eco development, financial/gov contracts/grants
 - Reps from: EDC, TDC, Fishing Industry, etc.
 - ▶ County-wide geographic representation and/or specific municipal representation
 - ▶ Representatives of applicants for funding on committee – yes/no?
(If yes, conflict of interest issues. If no, limiting pool of expertise on committee.)
 - ▶ Elected officials on committee – yes/no? *(If yes, officials will be constrained by sunshine.)*
 - ▶ Inclusion of non-voting advisory members, such as technical experts

Committee Composition

Additional considerations:

- ▶ Levy County and Wakulla County Models have been submitted for BOCC review
- ▶ Considering all of the uncertainty that still exists, you may wish to allow some flexibility with the local council make-up and its role.
- ▶ One recommendation would be to make it clear in the resolution that the BOCC anticipates that additional changes may be made to the composition and representation on the local Council as this whole thing evolves, as we learn the rules from the Treasury, and as we learn from other counties.

Committee Selection

- ▶ BOCC must establish a process for selection of committee members. Options for consideration:
 - ▶ Appoint members
 - ▶ Nomination process
 - ▶ Combination of appointments and nominated positions

- ▶ For appointments: BOCC and/or other entities represented may make their own appointments.

- ▶ For nominations:
 - ▶ Those interested and qualified to be on committee can submit a letter of interest with their CVs, resumes or statement of qualifications.

 - ▶ Each commissioner will review the submissions and make his/her own list of nominations for the committee appointments.

 - ▶ BOCC will discuss and approve, as a group, and name to the seats those with the most votes.

Recommended Stakeholders for Committee Composition

It is recommended that the nine member committee be made up of Key Stakeholders, such as:

- BOCC Representative
- Municipalities Representatives
- Tourist Development Council Representative
- Economic Development Council Representative
- Chamber of Commerce Representative
- Environmental Community Representative
- School Board/College Representative
- Seafood/Fishing Industry Representative
- Workforce Board Representative
- High Priority Industry Representative
- Members at Large

RESTORE Act Funding

–General Conditions

The County must adhere to general conditions for funding:

- Agree to US Treasury audit requirements
- Certify that a project requesting funding:
 - Is designed to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands or economy of the Gulf Coast
 - Carries out one or more of the eligible activities
 - Was selected based on meaningful input from the public
 - In the case of natural resource protection or restoration project is based on the best available science
- Certify that the project or program and the awarding of the contract are consistent with standard procurement rules and regulations, inc. applicable competitive bidding and audit req.
- Develop and submit a multi-year implementation plan for the use of funds, which may include milestones, timelines, and evaluation

(Note: The responsibility for ongoing oversight of local projects and administration of contracts is not clearly established. We will have to wait for the rules.)

RESTORE Act Funding

– Eligible Uses

Projects must meet the following criteria to be eligible for funding, per RESTORE Act legislation:

- Restoration and protection of nat resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
- Mitigation of damage to fish, wildlife, and nat resources
- Implementation of a federally approved marine, coastal or comprehensive conservation management plan, including fisheries monitoring
- Workforce development and job creation
- Improvements to state parks in coastal areas affected by Deepwater Horizon spill
- Infrastructure projects benefitting economy or ecological resources, including ports
- Coastal flood protection and related infrastructure
- Planning assistance
- Promotion of tourism, including recreational fishing
- Promotion of consumption of seafood harvested from the Gulf Coast region

(Note: US Treasury rules, when they are promulgated, may impose additional criteria,

details, and clarifications.)

RESTORE Act Funding –Project Ranking Criteria

The BOCC may wish to assign a higher ranking for some projects based on additional project benefits or components, such as:

- The project's impact(s) or benefit(s) is county-wide
- Demonstrated economic benefit
- Demonstrated environmental benefit
- Ability to leverage other sources of funding (match)
- Long-term implications/lasting value
- Shovel-readiness
- Comprehensive Plan projects
- Consistency with local government comprehensive plans
- Capital Improvement Plan projects
- Consideration of request amount (*setting of min or max amounts to funding requests*)

Funding Application Process

Project applications will be developed. In addition to the ranking criteria, applications will require standard grant request information, such as:

- ▶ Project descriptions/need/science/benefits, costs and timelines
- ▶ Demonstrated applicant experience/expertise related to the proposed project, and ability to manage project type and size
- ▶ Demonstrated applicant experience managing government grants and contracts, financial history and track record, etc.

Process: A timeframe and process for soliciting and accepting applications will be developed.

Pre-proposals: Due to the uncertainty regarding the amount of funding and when the funding might be available, we may wish to consider developing an interest form or pre-proposal initially, so that we can start gauging the level of interest and range of projects,

▶ without asking applicants to devote an inordinate amount of time to full-blown applications.

Recap for Next Steps

- ▶ Decide upon Committee composition
- ▶ Decide upon selection process (appointments and/or nominations)
- ▶ Develop/approve a resolution
- ▶ Assign staff point of contact/team leader & county staff operations team
- ▶ Develop parameters for project ranking – scoring criteria or guiding principles
- ▶ Develop an interest for funding/pre-proposals form, in advance of full, formal application
- ▶ Continue to post information and links on County website

RESTORE Advisory Committee Charter

- ▶ The Committee shall review projects submitted to the Board of County Commissioners for consideration of funding pursuant to the RESTORE Act.
- ▶ The Committee shall assign each project proposal into one of three categories:
 - Workforce development and job creation
 - Infrastructure
 - Environment
- ▶ A project may only be submitted for funding in one category.
- ▶ At the Committee's discretion, similar projects may be combined into a unified project proposal. Projects with a total estimated cost lower than \$500,000.00 will not be considered for funding using RESTORE Act funds.
- ▶ The Board of County Commissioners shall establish ranking criteria for the Committee to use. The Committee shall rely solely on the ranking criteria established by the Board of County Commissioners.
- ▶ The Committee shall rank each project and compile aggregate ranked lists of the projects submitted in each category.
- ▶ The Committee shall then submit the lists to the Board of County Commissioners for review and approval.
- ▶ The Board of County Commissioners may adopt a timeline for the ranking and approval process and any other deadlines it deems necessary. This timeline and other deadlines shall be binding on the Committee.

Attachment #6

Guide to the RESTORE Act

By Jyotika I. Virmani

Sec. 1602: Gulf Coast Restoration Trust Fund

- The Gulf Coast Restoration Trust Fund will be established in the Treasury of the US and consists of anything deposited there under this Act or by any other provision of law.
- 80% of all administrative and civil penalties after this Act was signed will go into a Trust Fund. (JIV comment: signed by President on 7/6/12)
- The Trust Fund, including interest earned on advances to Trust Fund and proceeds from investments of Fund can be expended.
- Gulf Coast Region means the coastal zone as defined in the Coastal Zone Management Act (CZMA) of 1972, including land within the coastal zone held in trust by Federal Govt., adjacent land, water and watersheds within 25 miles of coastal zone, and all Federal Waters in the Gulf.

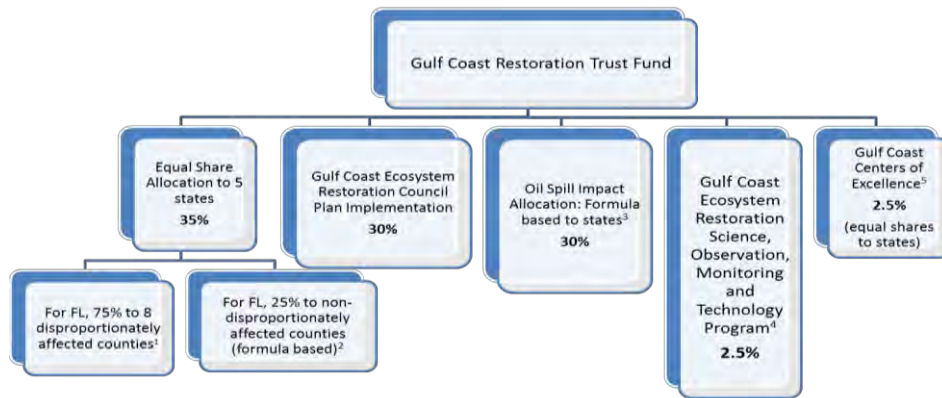


Figure 1: Breakdown of Trust Fund

^{1,2}Sec. 1603: Gulf Coast Natural Resources Restoration and Economic Recovery

PART I: State Allocation and Expenditures

- 35% of annual amount available from Trust Fund will go to the Gulf Coast States in equal shares for economic and ecological restoration.
- Can be spent on:
 - Restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches and coastal wetlands.
 - Mitigation of damage to fish, wildlife and natural resources.
 - Implementation of federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.
 - Workforce development and job creation.
 - Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.
- The state entity responsible for spending this:
 - Alabama: The Alabama Gulf Coast Recovery Council (Gov., Mayors etc. Full list in Act).
 - Louisiana: Coastal Protection and Restoration Authority of Louisiana

- Mississippi: Mississippi Dept. of Environmental Quality
- Texas: Office of the Governor or appointee
- Florida: no language in this section, but will abide by Florida Law and go to affected counties as below:
- In the case of a State where the coastal zone includes the entire State (JIV Comment: based on CZMA, therefore I assume this only applies to Florida):
 - 75% of funding provided directly to 8 disproportionately affected counties
 - 25% to nondisproportionately affected counties
- For the nondisproportionately affected counties:
 - The total amounts made available to coastal political subdivisions in the State of Florida shall be distributed:
 - 34% based on weighted average of population of the county
 - 33% based on weighted average of county per capita sales tax collections estimated for fiscal year 2012
 - 33% based on inverse proportion of weighted average distance from DWH to each of nearest and farthest points of shoreline
- Separate language in RESTORE Act for Louisiana for non-disproportionately impacted counties
- Money used on projects selected based on meaningful input by public, including broad-based participation from individuals, businesses, and non-profit organizations, and based on best available science

PART 2: Council Establishment and Allocation

- 30% of fiscal year funds from Trust Fund got to the Gulf Coast Ecosystem Restoration Council
- Council membership is defined as (JIV comment: this is more-or-less the make-up of the President’s Gulf Coast Restoration Task Force, led by John Hankinson):
 - Secretary of the Interior or designee at Assistant Secretary level
 - Secretary of the Army or designee at Assistant Secretary level
 - Secretary of Commerce or designee at Assistant Secretary level
 - Administrator of EPA or designee at Assistant Secretary level
 - Secretary of Agriculture or designee at Assistant Secretary level
 - Head of the department in which the Coast Guard is operating or designee at Assistant Secretary level
 - Governor of Alabama or designated representative
 - Governor of Florida or designated representative
 - Governor of Louisiana or designated representative
 - Governor of Mississippi or designated representative
 - Governor of Texas or designated representative
 - Chairperson will be 1 federal member. All Council members (including Governors) appointed by President.

- Funding will be used for restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands and economy. Based on best available science.
- Funding based on a Comprehensive Plan to be developed by the Council in close coordination with the President’s Gulf Coast Restoration Task Force (JIV comment: led by John Hankinson). They have 180 days to develop it, and will publish initial plan not later than 1 year after date of Restore Act.
- Council will also identify practicable projects that:
 - have been authorized prior to the date of enactment but not yet commenced that would quickly restore and protect fisheries, ecosystem, natural resources, etc.
 - restore long-term resiliency of natural resources, fisheries etc.
- Council will establish advisory committees, including a scientific advisory committee and a public policy advisory committee.
- The initial Comprehensive Plan and subsequent updates (every 5 years) should consider relevant findings, reports, research under sections 1604 and 1605.
- In addition to above practicable projects, highest priority will be for projects that:
 - Will make greatest contribution to restoring and protecting natural resources etc.
 - Large-scale projects and programs that are projected to substantially contribute to restoration and protection
 - In existing Gulf Coast State comprehensive plans for restoration and protection
 - Restore long-term resiliency of natural resources etc.
- Council will allocate the funds to State or Federal entities on the Council who will then give out grants.
- Grants to nongovernmental entities cannot exceed 10% of total amount provided to Federal or State agency unless the name of the grantee is given to congressional committees at least 30 days prior to grant or cooperative agreement. (For the House: Committee on Science, Space and Technology; Committee on Transportation and Infrastructure; Committee on Appropriations of the House of Representatives; and for the Senate: Committee on Environment and Public Works; Committee on Commerce, Science and Transportation; Committee on Energy and Natural Resources; Committee on Appropriations of the Senate)
- Cannot do any projects outside Gulf Coast region.

³PART 3: Oil Spill Restoration Impact Allocation

- 30% for oil spill restoration. Each fiscal year it will be at least 5% of total (JIV comment: therefore will be spent in 6 years or less?). Distribution by Council to Gulf Coast State:
 - 40% on proportionate number of miles of shoreline that experienced oiling on or before April 10, 2011 compared to total number of miles of shoreline oiled due to DWH
 - 40% based on inverse proportion of average distance from DWH site at time of explosion to the nearest and farthest point of the shoreline that experienced oiling of each Gulf State.

- 20% based on average population in 2010 census of coastal counties bordering the GoM.
- Funding for projects, programs and activities that will improve the ecosystems or economy of the Gulf Coast region – but each Gulf Coast State has to submit a plan for the expenditure that takes into consideration the Comprehensive Plan (JIV comment: as mentioned above).
- For Florida, the plan for this will be developed by a consortium of local political subdivisions that includes at least one representative from the affected counties. It is different for other states (see section 1603, Part 1).

PART 4: Authorization of Interest Transfers

- In any fiscal year, the interest from the Trust Fund and proceeds from the investments made by the Trust Fund in the preceding fiscal year will be divided:
 - 50% equally between section 1604 and 1605 (below)
 - 50% Gulf Coast Ecosystem Restoration Council for Comprehensive Plan (JIV comment: see Sec. 1603, Part 2 above)

⁴Sec. 1604: Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program

- 2.5% of the Trust Fund will be available for this program
- The program has to be established no later than 180 days after the Act is signed (JIV comment: signed 7/6/12).
- Funding for research, observation and monitoring to support the long-term sustainability of the ecosystem, fish stocks, fish habitat, and recreational, commercial, and charter fishing industry in the Gulf of Mexico (GoM). All marine, estuarine, aquaculture and fish species in State and Federal waters in the Gulf.
- To address the above, the funds will be used for:
 - marine and estuarine research
 - marine and estuarine ecosystem monitoring and ocean observation
 - data collection and stock assessments
 - pilot programs for fishery independent data and reduction of exploitation of spawning aggregations
 - cooperative research
- Funds will be transferred to Gulf States Marine Fisheries Commission to establish a fisheries monitoring and research program in GoM
- Administrator of NOAA and Director of US Fish and Wildlife Service will consult the Regional Gulf of Mexico Fishery Management Council and the Commission to carry out this section
- Research Priorities for integrated, long-term projects that:
 - Build on, or are coordinated with, related research activities; and
 - Address current or anticipated marine ecosystem, fishery or wildlife management information needs
- No duplication with other research or monitoring activities will be allowed

- Will coordinate with other existing science and technology programs in the 5 states and the new Centers of Excellence (see below).
- Funds may not be used:
 - for any existing or planned research led by NOAA unless agreed to in writing by grant recipient
 - to implement existing regulations or initiate new regulations from NOAA
 - to develop or approve new limited access privilege program for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Councils.

⁵Sec. 1605: Centers of Excellence Research Grants

- 2.5% of the Trust Fund will be available to establish Centers of Excellence. To be divided equally between the 5 states, therefore Florida will get 0.5%.
- Only for research in the Gulf Coast Region
- The duties of the Gulf Coast State under this section shall be carried out by:
 - Florida: consortium of public and private research institutions within the State that include FDEP and FWC (FIO)
 - Alabama: The Alabama Gulf Coast Recovery Council (Gov., Mayors etc).
 - Louisiana: Coastal Protection and Restoration Authority of Louisiana
 - Mississippi: Mississippi Dept. of Environmental Quality
 - Texas: Office of the Governor or appointee
- Duties: award competitive grants to nongovernmental entities and consortia in Gulf Coast Region to establish Centers of Excellence
- Centers of Excellence should focus on science, technology, and monitoring in at least 1 of the following:
 - (1) Coastal and deltaic sustainability, restoration and protection, including solutions and technology that allow citizens to live in a safe and sustainable manner in a coastal delta in the Gulf Coast region
 - (2) Coastal fisheries and wildlife ecosystem research and monitoring in the Gulf Coast Region
 - (3) Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources in the GoM
 - (4) Sustainable and resilient growth, economic and commercial development in the Gulf Coast Region
 - (5) Comprehensive observation, monitoring, and mapping of the GoM
- Grant procedure will be determined by the FIO and other entities listed above for each state.
- Priority for grants will be given to those who demonstrate the ability to establish the broadest cross-section of participants with interest and expertise in the focus areas listed above.
- Each of the state entities listed above will provide an annual report to the Gulf Coast Restoration Council that includes information about all grants, including the amount, discipline(s), and recipients. This, in turn, will be submitted to Congress by the Council in their annual report.

Escambia County
Clerk's Original

10/18/2012/CAT 1-1

RESOLUTION NUMBER R2012 - 150

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, ESTABLISHING THE RESTORE ADVISORY COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in response to the Deepwater Horizon oil spill during the summer of 2010, the United States Congress has enacted the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, also known as the "RESTORE Act;" and

WHEREAS, one purpose of the RESTORE Act is to ensure that the federal government distributes a substantial portion of fines or settlement amounts collected as a result of the oil spill to communities affected by the oil spill; and

WHEREAS, the RESTORE Act empowers the Escambia County Board of County Commissioners with the authority to distribute certain amounts for various purposes and projects as designated by the Act; and

WHEREAS, the Board of County Commissioners finds that an advisory committee would assist the Board in determining which projects qualify for funding under the Act, and therefore would serve the public interest.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS.

The aforementioned recital clauses are hereby incorporated into this Resolution.

SECTION 2. ESTABLISHMENT.

The Escambia County Board of County Commissioners hereby establishes the RESTORE Act Advisory Committee.

Date: 10/19/2012 Verified By: B. Schuyler

SECTION 3. DUTIES OF THE RESTORE ACT ADVISORY COMMITTEE.

The RESTORE Act Advisory Committee shall have the following duties and responsibilities:

A. That within the first six months of formation, the committee shall develop a plan, taking public input into consideration, that sets forth the final goals for the community's use of the subject RESTORE funds.

B. The Committee shall review projects submitted to the Board of County Commissioners for consideration of funding pursuant to the RESTORE Act. The Committee shall assign each project proposal into one of three categories: economic development and job creation, environmental, and infrastructure. A project may only be submitted for funding in one category. At the Committee's discretion, similar projects may be combined into a unified project proposal. Projects with a total estimated cost lower than \$500,000.00 will not be considered for funding using RESTORE Act funds.

C. The Board of County Commissioners shall establish ranking criteria for the Committee to use. The Committee shall rely solely on the ranking criteria established by the Board of County Commissioners.

D. The Committee shall rank each project and compile aggregate ranked lists of the projects submitted in each category. The Committee shall then submit the lists to the Board of County Commissioners for review and approval. The Board of County Commissioners may adopt a timeline for the ranking and approval process and any other deadlines it deems necessary. This timeline and other deadlines shall be binding on the Committee.

SECTION 4. COMPOSITION OF THE COMMITTEE.

The Committee shall consist of seven (7) members who are residents of Escambia County and appointed by the Board of County Commissioners as follows:

1. A representative of the financial industry (economist, banker, accountant, or financial planner with five (5) or more years experience in the financial industry).
2. A business leader with five (5) or more years of economic development experience.
3. An individual with five (5) or more years of experience in the area of transportation.
4. An individual with five (5) or more years of complex governmental experience.
5. An at-large citizen representative.
6. An individual appointed by the City of Pensacola. This Committee member cannot be an elected official or a regular or contract employee of the City of Pensacola unless the City of Pensacola is not going to request funding for a project under consideration by the Committee.
7. An individual representing local environmental advocacy groups.

A committee member may not be employed by or be a member of any organization that requests funding from, or that will be making recommendations to, the committee.

SECTION 5. TERMS OF COMMITTEE MEMBERS.

Committee members shall serve on the Committee until it has made all recommendations and completed its assignments as designated by the Board of County Commissioners. Should any Committee member cease to be an elector of the County, he or she shall cease to be a Committee member and shall be replaced by the Board of

County Commissioners. Except for the Committee member representing the City of Pensacola, Committee members may also be removed by the Board of County Commissioners. Additionally, the Committee shall recommend to the Board of County Commissioners the removal of a Committee member who accrues three unexcused absences from regularly-scheduled meetings of the Committee during the calendar year. Absences may be excused by a vote of the members present at any meeting.

SECTION 6. **OFFICERS.**

A. Chairperson. The Committee shall elect a Chairperson to preside at all meetings. The Chairperson shall be elected at the first meeting in January of each year and shall serve until the first meeting in January of the following year. There shall be no term limits for a member to serve as Chairperson.

B. Vice-Chairperson. The Committee shall elect a Vice-Chairperson to preside and act on behalf of the Chairperson during his or her absence. The term of office and method of election for the Vice-Chairperson shall be the same as the Chairperson.

SECTION 7. **REGULAR MEETINGS.**

The Committee shall establish a schedule of regular meetings, which shall be held at least every other month. A schedule of each year's regular meetings shall be distributed to all Committee members in December of the preceding calendar year.

SECTION 8. **QUORUM AND VOTING.**

Four (4) Committee members shall constitute a quorum for the purpose of conducting business. Each member shall exercise one vote on all matters subject to a vote of the Committee. All matters shall be decided by a majority vote of the members

present. No member shall abstain from voting unless the member has a conflict of interest.

SECTION 9. **SPECIAL MEETINGS.**

The Chairperson may call a special meeting of the Committee on his or her initiative and shall call a special meeting at the request of any four members.

SECTION 10. **LOCATION OF MEETING.**

Committee meetings shall be held in a public facility of sufficient size to accommodate those present and at such locations as the Committee may determine from time to time.

SECTION 11. **RULES OF PROCEDURE.**

The Committee shall conduct its meeting in accordance with the current edition of Robert's Rules of Order, except to the extent that the provision thereof is inconsistent with this Resolution.

SECTION 12. **SUNSHINE LAW.**

The Committee shall be subject to and each member shall be responsible for compliance with the Florida Sunshine Law and the Florida Public Records Act.

SECTION 13. **AGENDA.**

The Chairperson shall prepare an agenda for all meetings. Any Committee member may request that a matter be placed on the agenda. The agenda and related materials shall be distributed at least one day prior to the meeting date.

SECTION 14. MINUTES.

Minutes shall be kept at each Committee meeting. The written summary of each meeting shall be submitted for approval of the members at the next regular meeting. Each written summary shall reflect the persons in attendance, items discussed, each action taken at the meeting, and the vote of the members on each item presented at the meeting.

SECTION 15. NOTICE OF PUBLIC MEETING.

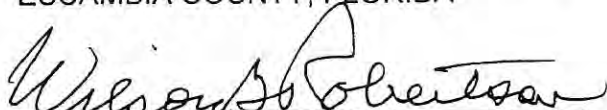
Notice of regular or special meetings of the Committee and the time and location of each meeting shall be published to the public.

SECTION 16. EFFECTIVE DATE.

That this Resolution shall become effective immediately upon adoption by the Board of County Commissioners.

ADOPTED this 18th day of October 2012


BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA


Wilson B. Robertson, Chairman

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court


Deputy Clerk

This document approved as to form
and legal sufficiency

By 

Title County Attorney

Date 10/18/12

Date Executed

October 18, 2012



Escambia County
Clerk's Original
1/3/2013 CAT I-1

RESOLUTION NUMBER R2013 - 5

A RESOLUTION OF THE COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING RESOLUTION R2012-150 BY INCREASING THE MEMBERSHIP OF THE RESTORE ACT ADVISORY COMMITTEE; REVISING QUORUM REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 18, 2012, the Escambia County Board of County Commissioners adopted Resolution R2012-150, which established a RESTORE Act Advisory Committee to assist the Board in allocating its share of certain fine and settlement amounts pursuant to the federal Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; and

WHEREAS, after further discussions regarding the composition of the Committee, the Board has determined that expanding Committee membership from seven (7) members to nine (9) members would further empower the Committee to effectively represent the interests of the residents of Escambia County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS.

The aforementioned recitals are hereby incorporated into this Resolution.

SECTION 2. INCREASE TO COMMITTEE MEMBERSHIP.

Section 4 of Resolution R2012-150 is hereby amended as follows:

The Committee shall consist of nine (9) members who are residents of Escambia County and appointed by the Board of County Commissioners as follows:

1. A representative of the financial industry (economist, banker, accountant, or financial planner with five (5) or more years experience in the financial industry).

Date: 1/7/2013
Verified By: *D. Harris*

2. A business leader with five (5) or more years of economic development experience.
 3. An individual with five (5) or more years of experience in the area of transportation.
 4. An individual with five (5) or more years of complex governmental experience.
 5. An at-large citizen representative.
 6. An individual appointed by the City of Pensacola, as selected by the Mayor and ratified by the City Council. This Committee member cannot be an elected official or a regular or contract employee of the City of Pensacola unless the City of Pensacola is not going to request funding for a project under consideration by the Committee.
 7. An individual representing local environmental advocacy groups.
- A committee member may not be employed by or be a member of any organization that requests funding from, or that will be making recommendations to, the committee.
8. Two individuals representing the citizens of Escambia County and selected by the Board of County Commissioners only after it has selected the other seven members.

SECTION 3. REVISION TO QUORUM REQUIREMENTS.

Section 8 of Resolution R2012-150 is hereby amended as follows:

Five (5) Committee members shall constitute a quorum for the purpose of conducting business. Each member shall exercise one vote on all matters subject to a vote of the Committee. All matters shall be decided by a majority vote of the members present. No member shall abstain from voting unless the member has a conflict of interest.

SECTION 4. **EFFECTIVE DATE.**

This Resolution shall become effective immediately upon adoption by the Board of County Commissioners.

ADOPTED this 3rd day of January 2013

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

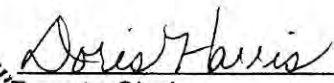

Gene M. Valentino, Chairman

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court

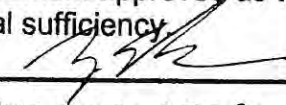
Date Executed

January 7, 2013




Deputy Clerk

This document approved as to form and legal sufficiency.

By: 
Title: ASST. COUNTY ATTORNEY
Date: JAN. 4, 2013